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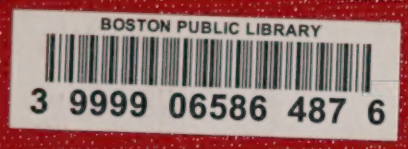

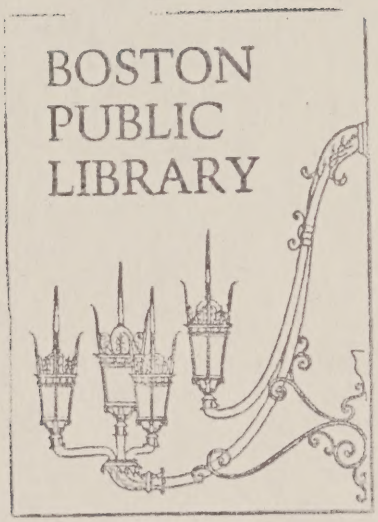
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DOWNTOWN ZONING

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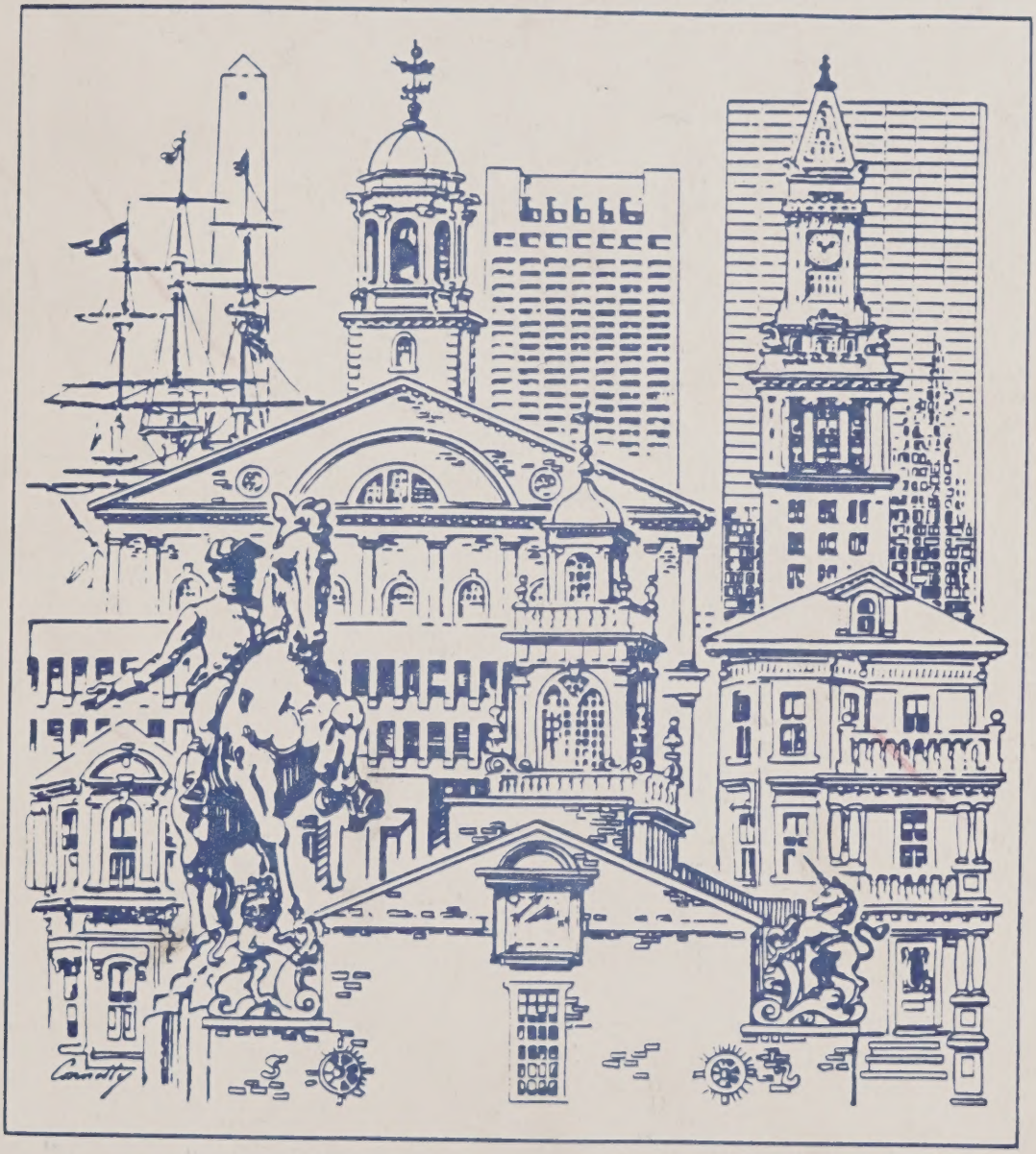
Interim Planning Overlay District & Related Citywide Amendments



CITY OF BOSTON □ RAYMOND L. FLYNN, MAYOR
BOSTON REDEVELOPMENT AUTHORITY □ STEPHEN COYLE, DIRECTOR

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1

EXECUTIVE SUMMARY

DOWNTOWN ZONING

EXECUTIVE SUMMARY

Boston's new zoning and land use policies address the physical planning issues of concern to Boston residents -- traffic, parking and access problems, height limits, and zoning issues. In addition, they address the city's broader planning goals and the underlying questions of social justice by controlling the direction, impacts, benefits, and burdens of growth.

The eleven proposed amendments comprising this package share many provisions. With the exception of the proposed Downtown Interim Planning Overlay District (IPOD), all of the amendment apply throughout the city. For the most part, the requirements of the amendments are triggered by application for a building permit. Issuance of the building permit is dependent upon certification that the requirements of the proposed amendments have been fulfilled. In addition to these common features each amendment focuses on specific concerns. The key provisions of the proposed changes are described below.

1. Downtown Interim Planning Overlay District (27D)

The Downtown Interim Planning Overlay District (IPOD) establishes downtown policies. It applies height standards to buildings in the downtown for the first time in twenty years. The article, which will be in effect for three years, applies to all projects proposing construction, expansion, or rehabilitation of 5,000 square feet or more. The major provisions of the Downtown IPOD include the following:

- Twelve subdistricts are established, each having one of four height standards: Priority Preservation Subdistricts (40' and 65'), Restricted Growth Subdistricts (80'), Medium Growth Subdistricts (125') and Economic Development Subdistricts (250' and 300').

- Enhanced building height is possible under certain conditions.

- Special purpose PDAs are subject to additional requirements when located downtown.

- A housing priority area is proposed where at least 60% of a development project must be devoted to housing. Housing is also promoted by providing for residential uses in areas currently zoned for industrial purposes.

- Economic Development Area Subdistricts are designated in the North Station and South Station/Bedford/Essex areas to encourage mixed-use developments in areas that have lower land costs, good transit access, and have been underutilized.

2. Planned Development Areas (30)

Planned Development Areas (PDAs) are part of the current code. Proposed Article 30 adds four special purpose PDA categories. Unlike the other proposed amendments in the package, the provisions are not triggered by a building permit application. As is the case with PDAs at present, a development plan is the basis for consideration.. The four new PDA categories include the following:

- Housing PDAs are allowed on a minimum 20,000 square foot site as long as 75% of the gross floor area is used for residential purposes.

- Mixed-use PDAs are allowed on a minimum one acre site when 51% of the gross floor area is used for residential purposes.

- Institutional PDAs are allowed on a minimum site of one acre. Seventy-five percent of the proposed uses must be institutional.

- Financial District PDAs are allowed only in the Financial District on a minimum one acre site. Projects may consist of any combination of uses. A minimum of 33% of the total floor area must be cased by the developer for at least 5 years.

3. Transportation Access Plans (31)

The purpose of Article 31 is to address the traffic and parking impact of major projects throughout the city. Projects proposing to construct, expand, or rehabilitate 100,000 square feet or more, 50,000 square feet of retail, or more than 30 residential units will be subject to the following requirements:

- Developers of large-scale projects must submit a Transportation Access Plan which identifies the impact of the development on traffic and parking proposes mitigation measures, and outlines a monitoring strategy.

- A developer may be required to contribute to a fund earmarked for transportation improvements. Such contribution may not exceed $.50 per square foot of the project.

4. Environmental Mitigation (32)

Environmental issues are of concern to the residents of Boston. Any project which involves the construction, expansion, or rehabilitation of more than 25,000 square feet or the construction of more than 30 residential units is subject to the provisions of proposed Article 32. Those provisions including the following:

- Studies analyzing the direct and indirect environmental impact of a project will focus on such issues as wind, shadow, air and water quality.

- Measures to mitigate the adverse environmental affects of the project will be proposed by the application.

5. Institutional Master Plans (33)

When an institution applies for a building permit for a project of 10,000 square feet or more or there is a 12-month cumulative total of more than 25,000 square feet, it is subject to the proposed Article 33. The major provisions of the amendment include the following:

- Institutions must submit a master plan which incorporates the elements deemed important in a "scoping" session.

- Building permits can be issued only if the proposed project complies with the approved Master Plan.

6. Historic Preservation (34)

The Historic Preservation amendment is designed to protect buildings of historic and architectural significance. Buildings or groups of buildings can be designated as historically significant by the Landmarks Commission pursuant to this article. Many of Boston's most significant structures will be directly designated by this amendment. Any structure designated as a Category 1, 2, 3 or 4 historic building becomes subject to the following provisions:

- Alteration and demolition of protected structures is permitted only in accordance with Landmarks Commission guidelines and findings.

- Guidelines will reflect the importance of preserving or repairing historic features and designing compatible additions or alterations.

7. Barrier-Free Access (35)

Proposed Article 35, "Barrier Free Access," is intended to promote easier access to the full enjoyment of the city's resources by physically handicapped persons. Any commercial or retail use proposing the construction, expansion or rehabilitation of 10,000 square feet or more or construction of 12 or more residential or hotel units is subject to the article's provisions. Those provisions include the following:

- Five percent of hotel and residential units must be accessible to physically handicapped persons.

- All projects subject to the article must provide barrier-free access.

8. Design Review (36)

Design review is an important tool to preserve and enhance urban design in Boston. Proposed Article 36 applies to any retail or commercial use constructing, expanding, or rehabilitating at least 10,000 square feet or any residential use with 10 or more units. Any project for which zoning relief is granted is also subject to provisions, which include the following:

- The project should display architectural compatibility with surrounding buildings and enhance urban design.

- o The project should improve the pedestrian environment.

- o The project should display consistency with established design guidelines.

9. Certification of Zoning Compliance (37)

Proposed Article 37 is designed to ensure compliance with the requirements of the Zoning Code, in particular Articles 26 through 33, 35, and 36. Any project subject to the requirements of any of these articles must receive certification that all applicable requirements have been met before any building permit will be issued.

10. Open Space Zoning

The open space amendment establishes an open space zoning district that allows the city to classify public land as open space. The purpose of the amendment is to preserve and protect open space from the pressures of development, to maintain it for recreational purposes, and to protect significant natural and scenic resources of the city. The major provisions of this amendment are as follows:

- o Certain publicly-owned land may be zoned as open space, including the waterway areas within city boundaries.

- o No structures except those accessory to open space uses will be permitted on land zoned as open space.

- o No development of land zoned as open space may occur without a rezoning, which will require the approval of the Zoning Commission after a public hearing.

Given the importance of the Boston Common, the Public Garden, and the Esplanade as public open spaces, a map amendment is proposed to establish these as the first areas to be zoned open space.

11. Three-Year IPOD

Boston's present zoning code does not effectively address the zoning and land use issues currently facing the city. In addition, the code does not provide all the tools necessary for the city to achieve its broader planning goals. The Downtown Interim Planning Overlay District (IPOD) is proposed to implement Boston's new land use and zoning policies until the existing zoning code is comprehensively revised.

The current Interim Planning Overlay District enabling ordinance provides for a two-year IPOD period. In order to allow sufficient time to plan the downtown fairly, openly and comprehensively, an amendment is proposed to extend the IPOD period to three years.

12. Next Steps

With publication of "Downtown Zoning" in August 1986, a six-month public comment period began. Before the end of the period, the Boston Redevelopment Authority will convene public briefings to explain the Downtown Zoning regulations to various community, business, and institutional organizations. Through this briefing process, individuals will have the opportunity to comment and ask questions about the IPOD and the accompanying zoning amendments. At the end of the comment period, all comments received by the Boston Redevelopment Authority will be reviewed and, where appropriate, incorporated into the proposed amendements.

The Boston Redevelopment Authority will hold a public hearing on the proposed zoning changes and decide whether to recommend their approval. If the Authority recommends approval, the amendments will be sent to the Zoning Commission for another public hearing. If the Zoning Commission and the Mayor approve, the IPOD and accompanying zoning amendments will go into effect.

Planning and zoning advisory committees will be organized to provide community input. The committees will work with the Boston Redevelopment Authority during the three-year planning period to design final zoning for the downtown. Prior to expiration of the IPOD, new zoning amendments for the downtown will be submitted to the Boston Redevelopment Authority for its recommendation. The same procedure followed to adopt the amendments in this package will be required to institute new permanent zoning.

ARTICLE	GEOGRAPHIC SCOPE	APPLICABILITY		KEY PROVISIONS	BASIS FOR APPROVAL	ENFORCEMENT
		TRIGGER	PROJECTS			
wntown IPOD 7D)	Downtown	Building permit, change of use or occupancy permit	Any use proposing construction, expansion, or rehabilitation of 5,000+ square feet	Height and floor area ratio standards established for downtown buildings Housing Priority Area requiring 60% residential uses designated Housing in industrial zones permitted Economic Development Area Subdistricts established to redirect growth	Substantial accord with key provisions	Building permit dependent on interim planning permit approval
anned velopment eas D)	Citywide, except Financial District PDA	Map change	N/A	Special purpose PDAs established requiring submission of development plan Housing PDAs require minimum 20,000 square foot site, 75% residential uses Mixed-use PDAs require minimum 1 acre site, 51% residential . Institutional PDAs require minimum 1 acre site, 75% institutional uses Financial District PDAs require minimum 1 acre site, any combination of uses, limited to Financial District	Substantial accord with key provisions Benefits exceeding any negative impact	Map change dependent on development plan approval
ansportation cess Plans 1)	Citywide	Building permit	Any use proposing construction, expansion, or rehabilitation of 100,000+ square feet; any retail use, 50,000+ square feet; any residential use, 30+ units	Transportation Access Plan required consisting of impact assessment, mitigation, and monitoring components Transportation Mitigation Grant up to $.50 per square foot may be required	Impact of increased traffic on levels of service Impact on parking supply and demand Adequacy of mitigation measures Cost of necessary off-site improvements	Building permit dependent on Transportation Access Plan approval
vironmental tigation 2)	Citywide	Building permit	Any use proposing construction, expansion, or rehabilitation of 25,000+ square feet; new residential uses with 30+ units	Submission of environmental studies required for direct and indirect effects including wind, shadow, air and water quality Proposal of measures to mitigate environmental impact required	Adequacy of mitigation measures	Building permit dependent on approval of environmental mitigation measures
stitutional ster Plans 3)	Citywide	Building permit	Any institutional use proposing construction, expansion, or rehabilitation of 10,000+ square feet or cumulative 25,000+ square feet	Submission of Institutional Master Plan consisting of elements determined through "scoping" session required Process for amending master plan provided Neighborhood participation required	Conformity with general plan for city Benefits exceeding any negative impact	Building permit dependent on Institutional Master Plan approval
storic eservation 4)	Citywide	Building, sign, or demolition permit	All historic buildings designated 1, 2, 3, or 4	Alteration or demolition of historic buildings permitted only in accordance with guidelines Appeal procedure provided	Preservation or repair of historic features Compatibility of additions or alterations	Building permit dependent on compliance with guidelines
rrier-Free cess 5)	Citywide	Building permit	Any commercial or retail use proposing construction, expansion, or rehabilitation of 10,000+ square feet; new residential use with 12+ units	Barrier-free access for physically handicapped persons required 5% of residential and hotel units must be accessible	Compliance with key provisions	Building permit dependent on approval of barrier-free access provisions

ARTICLE	GEOGRAPHIC SCOPE	APPLICABILITY		KEY PROVISIONS	BASIS FOR APPROVAL	ENFORCEMENT
		TRIGGER	PROJECTS			
Design Review (36)	Citywide	Building permit	Any retail or commercial use proposing construction, expansion, or rehabilitation of 10,000+ square feet; any residential use, 10+ units; all projects granted zoning relief*	Plans required to exhibit architectural compatibility with surroundings, enhancement of urban design, improvement of pedestrian environment, and consistency with established design guidelines	Compliance with key provisions	Building permit dependent on approval of design
Certification of Zoning Compliance (37)	Citywide	Building permit	Any project subject to Articles 26, 26A, 26B, 27, 28, 29, 30, 31, 32, 33, 35, or 36	Compliance with Zoning Code ensured	Compliance with key provisions of applicable articles	Building permit dependent certification of plans and drawings
Open Space Zone	Citywide	N/A	N/A	Redefines "open space" "O" zone designated	N/A	N/A

* Zoning relief is defined as a variance, exception, conditional use permit, interim planning permit, change of use permit, or zoning or text change.

2

Downtown Interim Planning Overlay District

Downtown Interim Planning Overlay District

The proposed Downtown Interim Planning Overlay District (IPOD) is necessary to insure that development occurring during the interim planning period is consistent with Boston's planning policies and objectives.

The specific objectives of the Downtown IPOD are to channel new development toward underutilized areas; to foster an economy that promotes prosperity for all Bostonians; to encourage new residential development and protect existing housing that is affordable to families of all economic levels; to encourage a diversity of uses in the downtown area; and to improve access and circulation.

1. Height Standards

Height standards, an integral part of the city's land use regulations until 1964, will be re-established under the Downtown IPOD. Height standards achieve several downtown planning objectives including preservation of existing architectural scale, minimization of strong winds, and encouragement of development in areas which are currently underutilized, but which can accommodate growth.

Four height areas are proposed for the interim planning period. They are Priority Preservation Subdistricts, Restricted Growth Subdistricts, Medium Growth Subdistricts, and Economic Development Area Subdistricts.

Priority Preservation Subdistricts, which include most of Beacon Hill and Back Bay, are areas where the preservation of existing land uses, architectural scale, and historic character is especially important. In these areas, the building height standard is 40 feet or 65 feet, depending on the location.

Restricted Growth Subdistrict, such as the Leather District and Bulfinch Triangle, have historic identity and architectural character and little need for new infill development. The building height standard in these areas is 80 feet. Projects in Restricted Growth Subdistricts may be allowed heights of up to 100 feet, but only if they meet established design and planning criteria.

The largest portion of the downtown, the Financial District, is designated as a Medium Growth Subdistrict where the building height standard is 125 feet. There are specific underdeveloped sites in the district where additional development can be accommodated without seriously taxing the infrastructure, without having an adverse impact on light and wind conditions, and without disrupting the district's established scale and character. In Medium Growth Areas, the 125 foot height standard may be exceeded by up to 30 feet if the project meets established planning and design criteria.

North Station and the South Station/Bedford-Essex areas are proposed as Economic Development Area Subdistricts. These areas have excellent transportation access and major new development can occur without threatening infrastructure capacity, historically important buildings or districts, or open space. The height standard for these subdistricts is 250 feet in North Station and 300 feet in South Station. Additional building heights of up to 100 feet may be permitted if the project conforms with the city's planning and design guidelines and profers certain public benefits.

2. Economic Development

A major feature of the proposed downtown zoning regulations is the introduction of Economic Development Area Subdistricts. This designation, which is both a height district and an economic development tool, has been created to redirect Boston's extraordinary development pressures from already congested portions of the downtown toward underutilized areas that can support and benefit from new development. South Station/Bedford-Essex and North Station are the areas initially identified as Economic Development Area Subdistricts.

3. Housing

Compared to downtowns in other large U.S. cities, Boston is unusual in that it has always had a large residential community. Interim controls proposed in the Downtown IPOD not only preserve the existing downtown neighborhoods, but also encourage residential uses in areas not currently zoned for housing. Housing units are mandatory in new developments located in the designated Housing Priority Area in the Chinatown/South Cove area and on Turnpike air rights. All developments within the Housing Priority Area are required to contain a minimum of 60% housing.

4. Planned Development Areas

Planned Development Areas (PDAs), a feature of the current zoning code, are a flexible planning tool. The Downtown IPOD ensures that future PDAs within the downtown area further Boston's planning goals. Housing and Mixed-Use PDAs will be allowed in Medium Growth Subdistricts and Economic Development Area Subdistricts with heights of up to three hundred ten feet allowed in Medium Growth Subdistricts, provided the PDA complies with established planning and design criteria. Institutional PDAs will be allowed within any subdistrict, but may not exceed established height standards. Financial Districts PDAs will be limited to a specified area within downtown, with a building height standard of up to four hundred feet.

Text Amendment Application No.
Boston Redevelopment Authority
Downtown Interim Planning Overlay
District

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 27C, for a period of thirty-six months from the effective date of this amendment, the following Article:

Article 27D

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT

SECTION 27D-1. Statement of Purpose. The purposes of this article are to conserve the value of land and buildings; to encourage the most appropriate use of land; to channel new development toward underutilized sites; to encourage new development in areas accessible to public transit; to prevent the overcrowding of land; to provide a predictable, clear, and understandable process for the public review of new development; to foster an economy that promotes economic opportunities for Bostonians by creating new jobs and by expanding job training opportunities; to protect existing residential development and encourage new residential development that is affordable to all economic segments of the community; to provide ample access to light and air; to protect the city's historic resources; to protect and enhance the architectural character of the downtown; to improve traffic access and circulation; to create active pedestrian and street life; to protect and improve air and water quality; to encourage mixed-use development; to provide for appropriate transitions in scale and character between established districts and new development; and to implement interim land use measures.

SECTION 27D-2. Declaration of Need for Interim Zoning. Interim zoning in the Downtown IPOD Study Area is necessary to provide the proper balance between competing land uses and economic and environmental factors. Characteristics of existing zoning that render it inappropriate include its failure to provide: height and floor area ratio standards that encourage the preservation of historic structures and maintain the character of the district; incentives for development in underutilized areas that are suitable for new development; a balance between new development and the need for light, air, and open space; the creation or rehabilitation of housing that is affordable to all economic segments of the community; the creation or expansion of employment opportunities for Bostonians; development that results in appropriate and necessary neighborhood benefits for Boston residents; a mix of uses that ensures efficient use of scarce urban land; the maintenance, expansion, and enhancement of open space uses; and the improvement of pedestrian and vehicular circulation and access.

SECTION 27D-3. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 27D-5.

2. "Commercial Uses" shall mean use item numbers 15, 39, 39A, 40, 41, and 42, as described in Table A, Section 8-7.

3. "Downtown IPOD" shall mean the regulations imposed by this article.

4. "Downtown IPOD Study Area" shall mean the area defined in Section 27D-3.

5. "Pedestrian-Oriented Uses" shall mean use item numbers 34, 36A, 37, 38, 39, 39A, 40, 43, 44, and 46, as described in Table A, Section 8-7.

6. "Proposed Project" shall mean any construction, reconstruction, rehabilitation, or alteration of a structure for which the Applicant is required to obtain a building exchange of use permit.

7. "Research, Development, and Institutional Uses" shall mean use item numbers 16, 16A, 18, 22, 22A, 23, 24, 25, 48, and 49, as described in Table A, Section 8-7.

8. "Residential Uses" shall mean use item numbers 2, 3, 4, 5, 6, 7, 7A 7B, 8, and 10, as described in Table A of Section 8-7.

9. "Retail Uses" shall mean use item numbers 17, 34, 35, 36A, 37, 37A, 38, 43, 44, and 46, as described in Table A, Section 8-7.

10. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based on the assessed value for real estate tax purposes as of the assessment date preceding the application.

11. "Underlying Zoning" shall mean all zoning regulations, with the exception of this article, which are contained in the Boston Zoning Code and its accompanying maps.

SECTION 27D-4. Physical Boundaries; Establishment of Subdistricts. This article shall be applicable only in the Downtown IPOD Study Area which shall be comprised of the area depicted in Appendix A and described in Appendix B; the Downtown IPOD Study Area shall be divided into twelve (12) subdistricts for the purposes of this article.

1. Priority Preservation Subdistricts. Subdistricts A, B, C, D, and E, as depicted in Appendix A and described in Appendix B, shall be Priority Preservation Subdistricts. Within these subdistricts, the present uses, architectural scale, and historic character of the area should be preserved. New development will necessarily emphasize the conservation, rehabilitation, and restoration of existing structures.

2. Restricted Growth Subdistricts. Subdistricts F, G, and H, as depicted in Appendix A and as described in Appendix B, shall be Restricted Growth Subdistricts. Within these subdistricts, the historic identity and architectural character of each area is well-established, and little potential for major new construction exists. Since many buildings in these subdistricts are in transition from manufacturing or warehousing to retail, office, and residential uses, future development will largely be characterized by rehabilitation, conversion, and re-use of existing space.

3. Medium Growth Subdistricts. Subdistricts I and J, as depicted in Appendix A and as described in Appendix B, shall be Medium Growth Subdistricts. These subdistricts are fully developed to an appropriate scale but contain specific sites with access to transportation and other services which can accommodate new development without a significantly adverse impact on light, wind, established scale, and existing character.

4. Economic Development Area Subdistricts. Subdistricts K and L, as depicted in Appendix A and as described in Appendix B, shall be Economic Development Area Subdistricts. These subdistricts are characterized by the presence of underutilized and developable land. New development may occur in these areas without threatening historically or architecturally important buildings, districts, open space, or infrastructure capacity. (Also see Section 27D-11.)

SECTION 27D-5. Applicability. Any Applicant seeking a building permit for exterior construction or alteration or a change of use permit for any Proposed Project within the Downtown IPOD Study Area shall be subject to the requirements of this article if the Applicant seeks to erect a building or structure having a gross floor area in excess of five thousand (5,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than five thousand (5,000) square feet; or to Substantially Rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than five thousand (5,000) square feet.

SECTION 27D-6. Zoning Regulations in Effect; Conflict Provisions. The Downtown IPOD and the Underlying Zoning shall together constitute the

zoning regulations for the Downtown IPOD Study Area. Upon expiration of this article, the Underlying Zoning shall be the sole set of zoning regulations for the Downtown IPOD Study Area. Where conflicts between the Downtown IPOD and the Underlying Zoning exist, the provisions of this section shall govern.

1. In subdistricts A, B, C, D, E, F, G, H, and J the provisions of the Downtown IPOD shall supersede Underlying Zoning except with respect to building height and floor area ratio (FAR) standards, in which case the more restrictive provisions shall govern.

2. In subdistricts I, K and L, the provisions of the Downtown IPOD shall supersede Underlying Zoning.

3. In all subdistricts, amendments to Underlying Zoning adopted subsequent to this article shall govern.

SECTION 27D-7. Building Height and FAR Standards. Proposed Projects within Downtown IPOD Study Area subdistricts A, B, C, D, E, F, G, H, I, J, K, and L shall be governed by the building height and FAR standards established in Table A of this section.

1. As-of-Right Building Height and FAR. Proposed Projects which have complied with the requirements of Underlying Zoning and this article shall be permitted to obtain building heights and FARs which correspond to the "As-of-Right" column in Table A.

2. Enhanced Building Height and FAR. Proposed Projects which have complied with the requirements of Underlying Zoning and this article may

obtain enhanced building heights and FARs which correspond with the "Enhanced" column in Table A only if: (a) the height and massing of the Proposed Project is consistent with that of structures in the surrounding subdistrict; (b) the Proposed Project is architecturally compatible with the surrounding subdistrict; and (c) the public benefits of the Proposed Project outweigh any burdens imposed. Proposed Projects in Economic Development Area subdistricts shall be granted enhanced building heights and FARs only if (a) the Proposed Project is consistent with the applicable planning objectives set forth in Section 27D-11; and (b) the public benefits of the Proposed Project outweigh any burdens imposed.

TABLE A

DOWNTOWN INTERIM PLANNING OVERLAY DISTRICT
HEIGHT AND FLOOR AREA RATIO STANDARDS

Area	As-of-Right Height/FAR	Enhanced Height/FAR
Priority Preservation Subdistricts		
o Subdistrict A	40'/2	40'/2
o Subdistricts B, C, D, and E	65'/4	65'/4
Restricted Growth Subdistricts		
o Subdistricts F, G, and H	80'/6	100'/7
Medium Growth Subdistricts		
o Subdistricts I and J	125'/8	155'/10
Economic Development Area Subdistricts		
o Subdistrict K	250'/12	350'/13
o Subdistrict L	300'/14	400'/15

NOTE: Where Underlying Zoning contains more restrictive height limits and FARs than Table A, Underlying Zoning shall govern, except in subdistricts I, K, and L. (See Section 27D-6.)

SECTION 27D-8. Planned Development Areas. Any application for a map change to establish a Planned Development Area within the Downtown IPOD Study Area shall be subject to the requirements of this section in addition to those imposed in Article 30.

1. Housing Planned Development Areas. Housing PDAs shall be permitted in Medium Growth Subdistricts and Economic Development Subdistricts only. Building heights of Proposed Projects in Housing PDAs in Medium Growth Subdistricts may exceed the one hundred fifty-five foot (155') height standard established in Table A, Section 27D-7, by fifty percent to one hundred percent (50%-100%), for a total building height of two hundred thirty-three feet to three hundred ten feet (233'-310'); provided that the Proposed Project complies with planning and design criteria established by the Boston Redevelopment Authority. The Proposed Project shall also be submitted to the Boston Civic Design Commission in accordance with Article 28.

2. Mixed-Use Planned Development Areas. Mixed-Use PDAs shall be permitted in Medium Growth Subdistricts and Economic Development Area Subdistricts only. Building heights of Proposed Projects in Mixed-Use PDAs in Medium Growth Subdistricts may exceed the one hundred fifty-five foot (155') height standard established in Table A, Section 27D-7, by fifty percent to one hundred percent (50%-100%), for a total building height of two hundred thirty-three feet to three hundred ten feet (233'-310'); provided that the Proposed Project complies with planning and design criteria established by the Boston Redevelopment Authority. The Proposed Project shall also be submitted to the Boston Civic Design Commission in accordance with Article 28. Where a Mixed-Use PDA is

located in a Housing Priority Area, as defined in Section 27D-9, the Proposed Project shall contain a minimum of sixty percent (60%) Residential Uses.

3. Institutional Planned Development Areas. Institutional PDAs may be located within any Downtown IPOD Study Area subdistrict. Proposed Projects in Institutional PDAs shall comply with the "As-of-Right" building height and FAR standards contained in Table A, Section 27D-7.

4. Financial District Planned Development Areas. Building heights of Proposed Projects in Financial District PDAs, confined to the Financial District in accordance with Section 30-4(4), may exceed the building height standards established for the applicable subdistrict in Table A, Section 27D-7, to a maximum building height of four hundred feet (400').

SECTION 27D-9. Housing Priority Area. The area depicted in Appendix C and described in Appendix D shall be a Housing Priority Area. Within this area, at least sixty percent (60%) of the gross floor area of Proposed Projects shall consist of Residential Uses, as defined in Section 27D-2. Retail Uses and Pedestrian-Oriented Uses which employ twenty or fewer persons and contain no more than five thousand square feet of gross floor area shall be encouraged in Proposed Projects within the Housing Priority Area.

SECTION 27D-10. Residential Uses Permitted in Industrial Zones. Residential Uses which are allowed or permitted conditionally by the Underlying Zoning in districts labeled "R" (Residential: General) or "H" (Residential: Apartment), as provided in Table A, Section 8-7, shall be allowed uses in Underlying Zoning districts "M" (Industrial: Restricted) and "I" (Industrial: General).

SECTION 27D-11. Economic Development Area Subdistricts; Purposes. The purposes of Economic Development Area Subdistricts are to implement specific planning goals; to achieve orderly redevelopment; to channel mixed-use development toward underutilized sites; to provide development opportunities at lower land costs; to utilize existing transit centers; to improve traffic access and circulation; to expand the financial district; and to create an active pedestrian and street life.

1. Subdistrict K: North Station. The planning objectives in the North Station Economic Development Area Subdistrict shall be to create a functionally and architecturally unified subdistrict which is compatible with the historic character of the North End and Bulfinch Triangle; create a gateway to the city by rail and highway from the north; create a mixed-use subdistrict which includes office and retail space and mixed-income housing; create new green space along the Charles River edge between Charles River Esplanade and Harborpark; and create vistas and access to the Charles River.

2. Subdistrict L: Bedford Street/South Station. The planning objectives for the Bedford Street/South Station Economic Development Area Subdistrict shall be to accommodate commercial growth in underdeveloped and vacant parcels; encourage a diverse mix of uses; create a transition of uses and character between the downtown and the Chinatown and Leather districts; improve vehicular access to planned garage locations; and restore the pedestrian environment.

SECTION 27D-12. Economic Development Area Subdistricts; Permitted Uses. Commercial Uses, Retail Uses, Residential Uses, and Research, Development,

and Institutional Uses, as these terms are defined in Section 27D-2, shall be permitted uses in Economic Development Area sudistricts. Section 3-1A.c (Restricted and Limited Parking Districts) of the Underlying Zoning shall not be applicable in Economic Development Area subdistricts.

SECTION 27D-13. Standards for Issuance of Interim Planning Permit. The Board of Appeal shall not grant an interim planning permit unless it finds that the Proposed Project is in substantial accord with the requirements of this article. Where the Boston Redevelopment Authority has made a recommendation to the Board of Appeal on the issuance of an interim planning permit, the Board of Appeal shall follow such recommendation unless specific, written reasons for not doing so are provided at the time of the Board of Appeal's decision.

SECTION 27D-14. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit or change of use permit for a Proposed Project subject to this article unless the Board of Appeal has approved an interim planning permit for the Proposed Project in accordance with Section 27-3.

SECTION 27D-16. Sunset Provision; Subsequent Amendments. This article shall be in effect for thirty-six (36) months unless such period is extended pursuant to Section 27-2. While in effect, this article or portions of this article may be repealed or superseded by subsequent amendments to either this article or to the Underlying Zoning.

SECTION 27D-17. Timetable for Rezoning. Submission of proposed zoning changes to the Boston Redevelopment Authority Board for petition to the Zoning Commission shall be completed thirty-two months from the enactment of the Downtown IPOD. The Zoning Commission hearing on any petition to adopt proposed zoning changes shall be completed thirty-four months from the enactment of the Downtown IPOD.

SECTION 27D-18. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 27D-19. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or section of this article and such remaining provision and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: City Hall, Boston, MA 02201

Telephone: (617) 722-4300, Extension 201

Date: _____

DOWNTOWN IPOD BUILDING HEIGHT STANDARDS

APPENDIX A ARTICLE 27D

PRIORITY PRESERVATION AREAS
SUBDISTRICTS A-E: 40′ and 65′

RESTRICTED GROWTH AREAS
SUBDISTRICTS F-G: 80′ - 100′

MEDIUM GROWTH AREAS
SUBDISTRICTS H-J: 125′ - 155′

ECONOMIC DEVELOPMENT AREAS
SUBDISTRICTS K-L
- NORTH STATION: 250′ - 350′
- SOUTH STATION/ BEDFORD/ESSEX: 300′ - 400′

OPEN SPACE
SUBDISTRICTS M-N

* IN THE BOYLSTON STREET IPOD HEIGHTS LIMITS RANGE FROM 90′ - 120′

** NORTH END - EXISTING HEIGHT LIMIT OF 55′

MIDTOWN IMPROVEMENT AREA

CULTURAL DISTRICT

NOTE: WHERE EXISTING ZONING CONTAINS MORE RESTRICTIVE HEIGHT LIMITS (OR FARs) THAN THE IPOD, EXISTING ZONING GOVERNS, EXCEPT IN SUBDISTRICTS (I), (K), AND (L)

BOSTON REDEVELOPMENT AUTHORITY
date 1/87

APPENDIX B

The street boundaries for each subdistrict depicted in Appendix A is available upon request from the

BOSTON REDEVELOPMENT AUTHORITY

PUBLIC INFORMATION OFFICE

(617) 722-4300, extension 217

HOUSING PRIORITY AREA
APPENDIX C
ARTICLE 27D
CHARLES
BEACON
BOSTON COMMON
SUMNER
AVE.
ESSEX
KNEELAND
CENTRAL
ARTERY
Fort Point Channel
COLUMBUS AVE.
BOSTON REDEVELOPMENT
AUTHORITY 10/86

APPENDIX D

HOUSING PRIORITY AREA

From the intersection of Essex Street and the Fitzgerald Expressway; southwesterly along the centerline of the Fitzgerald Expressway until Beach Street; northwesterly along the centerline of Beach Street until Hudson Street; southwesterly along the centerline of Hudson Street until Kneeland Street; from the intersection of Hudson and Kneeland Street southerly along the Surface Artery until Albany Street; southerly along Albany Street until the centerline of Herald Street; northwesterly along the centerline of Herald Street until the intersection of Herald Street and Tremont Street; from the intersection of Herald Street and Tremont Street westerly along the southern edge of the Massachusetts Turnpike until the centerline of Cazenove Street; northerly along the centerline of Cazenove Street until Columbus Avenue; northerly along the centerline of Columbus Avenue until Stuart Street; easterly along the centerline of Stuart Street until Charles Street South; southerly along the centerline of Charles Street South until Tremont Street; easterly along the centerline of Tremont Street until the intersection of Tremont Street, Shawmut Avenue, and Oak Street extension; easterly along Oak Street extension until Oak Street; easterly along the centerline of Oak Street until Tyler Street; northerly along the centerline of Tyler Street until Kneeland Street; easterly along the centerline of Kneeland Street until Knapp Street; northwesterly along the centerline of Knapp Street until Beach Street; northerly along a parallel route 100 feet west of Washington Street until a point 200 feet south of the Essex Street streetline; easterly along a route 200 feet south of the Essex Street streetline until Harrison Avenue; northerly along Harrison Avenue until the centerline of Essex Street; northeasterly along the centerline of Essex Street until the Fitzgerald Expressway.

3

Planned Development Areas

Planned Development Areas

The Planned Development Area (PDA) amendment, proposed Article 30, provides for four types of special purpose PDAs. The PDA policies have been revised so they are consistent with interim planning guidelines contained in the IPOD. Article 30 addresses permitted uses and compliance with specific planning and design criteria.

The special purpose PDAs proposed in Article 30 include housing, mixed-use, institutional, and financial district PDAs.

- Housing PDAs require a minimum site area of 20,000 square feet, with at least 75% of the gross floor area to be used for residential purposes.

- Mixed-use PDAs require a minimum site area of one acre, with at least 51% of the gross floor area to be used for residential purposes.

- Institutional PDAs require a minimum site area of one acre and will be allowed city-wide. At least 75% of the gross floor must be used for institutional purposes.

- Financial District PDAs require a minimum site area of one acre and must be located in a limited area of the downtown. Financial District PDAs will only be approved if the developer leases a substantial amount of space for its own activities. Building heights may exceed district height standards to a maximum of 400'.

Text Amendment Application No.
Boston Redevelopment Authority
Planned Development Areas

To The Zoning Commission of the City of Boston

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 29, the following Article:

ARTICLE 30

PLANNED DEVELOPMENT AREAS

SECTION 30-1. Statement of Purpose. The purposes of this article are to promote land development that will further the public health and general welfare; to maintain a safe and healthy environment; to ensure the provision of public benefits; to improve the overall quality of development; to promote the construction of affordable housing; to promote the efficient and timely review of development projects; to relate the type, design, massing and layout of land uses to particular sites in a manner that conforms to the general intent and purpose of the Boston Zoning Code; and to ensure flexibility in land use planning and development.

SECTION 30-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in the property to be zoned Planned Development Area.

2. "Institutional Uses" shall mean use item numbers 11, 12, 13, 13A, 14, 16, 16A, 18, 20, 20A, 21, 22, 22A, 23, 24, 25, 48, and 49 as described in Table A, Section 8-7.

3. "Residential Uses" shall mean use item numbers 7, 8, and 10, as described in Table A, Section 8-7.

4. "Underlying Zoning" shall mean all zoning regulations, with the exception of this article, which are contained in the Boston Zoning Code and its accompanying maps.

SECTION 30-3. Applicability. Any Applicant seeking a map change to establish any Planned Development Area (PDA), a type of special purpose overlay district described in Section 3-1A, in the City of Boston shall be subject to the requirements of this article.

SECTION 30-4. Planned Development Areas. Planned Development Areas approved pursuant to this article shall be designated as Housing, Mixed-Use, Institutional, or Financial District Planned Development Areas.

1. Housing Planned Development Areas. Housing PDAs shall have a minimum land area of 20,000 square feet, and at least seventy-five percent (75%) of the gross floor area shall be devoted to Residential Uses.

2. Mixed-Use Planned Development Areas. Mixed-Use PDAs shall have a minimum land area of one acre and at least fifty-one percent (51%) of the gross floor area shall be devoted to Residential Uses.

3. Institutional Planned Development Areas. Institutional PDAs shall have a minimum land area of one acre, and at least seventy-five percent (75%) of the gross floor area shall be devoted to Institutional Uses.

4. Financial District Planned Development Areas. Financial District PDAs shall have a minimum land area of one acre and shall be located only in the Financial District, the boundaries of which are described in Appendix A and depicted in Appendix B to this article. Financial District PDAs may include any combination of uses.

SECTION 30-5. Development Plan Requirements. An Applicant for any Planned Development Area shall submit to the Boston Redevelopment Authority a development plan which sets forth the proposed uses, densities, traffic circulation, parking and loading facilities, access to public transportation, location and appearance of structures, open space and landscaping, and such other matters as the Boston Redevelopment Authority deems appropriate to consideration of the Proposed Project, including but not limited to submission requirements contained in Development Review Procedures (Boston Redevelopment Authority, 1986, and as amended).

SECTION 30-6. Standards for Development Plan Approval. The Boston Redevelopment Authority shall approve a development plan before transmittal of such plan to the Zoning Commission only if the development plan conforms to the following standards.

1. Any development plan for a Housing, Mixed-Use, Institutional, or Financial District Planned Development Area shall: (a) comply with the

general purposes of this article; (b) be in substantial accord with the requirements set forth in Section 30-4; and (c) produce benefits that exceed any negative impact. An Applicant for a Financial District Planned Development Area must also demonstrate to the Boston Redevelopment Authority that the development plan proposes a use or uses which are necessary to retain jobs in the city or to otherwise contribute to the economic health of the city and that the Applicant will lease at least thirty-three percent (33%) of the gross floor area of the Proposed Project for its own business activities for a period of at least five (5) years.

2. Any development plan submitted for a district which has received a map change to Planned Development Area prior to the enactment of this article shall not be approved for transmittal to the Zoning Commission unless the Boston Redevelopment Authority finds: (a) that such development plan conforms to the general plan for the city as a whole; and (b) that on balance nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare.

SECTION 30-7. Procedure for Planned Development Area Approval. The following procedure shall be used to review map changes to Planned Development Area.

1. The Boston Redevelopment Authority shall hold a public hearing on the application for a Planned Development Area before approval of the development plan.

2. The Zoning Commission shall hold a public hearing on the application for a map change to Planned Development Area, and upon approval, the area of land described in the development plan shall be designated a Planned Development Area in accordance with the provisions for map changes set forth in Section 3-1A.

3. The Board of Appeal shall hold a public hearing on the proposed development plan for the purpose of granting exceptions in accordance with the procedure set forth in Section 6A-2 (Procedure for Appeal).

SECTION 30-8. Amendments. An Applicant seeking to amend an approved development plan shall submit the proposed amendment to the Boston Redevelopment Authority. If the Boston Redevelopment Authority determines that the proposed amendment is a fundamental change to the approved development plan, the amendment shall be deemed a new application. Amendment shall be deemed fundamental if it is of such a nature and magnitude as to alter the essence of the plan, with reference to the plan as a whole.

SECTION 30-9. Enforcement. The Zoning Commission shall not approve a map change for a Planned Development Area unless the development plan has been approved and transmitted by the Boston Redevelopment Authority. The Commissioner of the Inspectional Services Department shall not issue any building or use permit for work in a Planned Development Area unless the Director of the Boston Redevelopment Authority has certified that all plans concerning the Planned Development Area submitted to the Commissioner are consistent with the approved development plan.

SECTION 30-10. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 30-11. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or section of this article and such remaining provision and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

Appendix A

The boundaries for the Financial District shall be: From the northwest corner of State Street and Devonshire Street southerly along State Street until a point 50 feet south of Kilby Street; easterly along a parallel route 50 feet south of Kilby Street until a point on Water Street 50 feet west of Batterymarch Street; easterly along Batterymarch Street until High Street; westerly along High Street until Purchase Street; easterly along Purchase Street until Summer Street; northerly along Summer Street until Devonshire Street; westerly along Devonshire Street until the northwest corner of Devonshire and State Street.

APPENDIX B

ARTICLE 30

4

Transportation Access Plans

Transportation Access Plans

Article 31 will afford the city a means of uniformly measuring the transportation-related impact caused by development and of assuring that such impact is mitigated. The amendment provides that applicants seeking a building permit be required to submit Transportation Access Plans for developments exceeding 100,000 square feet, retail developments exceeding 50,000 square feet, or residential developments of more than 30 units.

Transportation Access Plans will be comprised of three components.

- The impact assessment component will identify and evaluate the impact of the development on the city's transportation infrastructure and services.

- The mitigation component will propose measures to minimize the transportation-related impact of the developments.

- The monitoring component will describe provisions for periodic re-evaluation of the effectiveness of proposed mitigation measures.

If the applicant cannot provide adequate mitigation measures to offset the impact of the development on the city's transportation infrastructure and services, the applicant shall tender a transportation impact mitigation grant which will be earmarked for transportation improvements. In no case will this grant exceed fifty cents ($.50) per square foot of development.

Text Amendment Application No. ___
Boston Redevelopment Authority
Transportation Access Plans

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 30, the following Article:

Article 31

TRANSPORTATION ACCESS PLANS

SECTION 31-1. Statement of Purpose. The purposes of this article are to improve pedestrian and vehicular circulation and access; to promote measures which lower the number of vehicle trips generated by large-scale development projects; to encourage strategies which lessen traffic disruption and pedestrian inconvenience during construction; to promote the efficient use of parking resources; to support the transportation goals of Boston; and to mitigate the impact of new development on the city's transportation infrastructure and services and on adjacent residential neighborhoods.

SECTION 31-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 31-3.

2. "Impact Area" shall mean all subdistricts in which the Proposed Project causes an impact on the Transportation Network. The Boston Redevelopment Authority shall determine the Impact Area and shall include in the Impact Area all subdistricts in which such impact reasonably attributable to the Proposed Project is anticipated.

3. "Level of Service" shall mean the capacity of a traffic intersection as measured by the average delay per vehicle passing through such intersection.

4. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

5. "Residential Uses" shall mean use item numbers 7, 7A, 7B, 8, 10, and 14, as defined in Table A, Section 8-7.

6. "Retail Uses" shall mean use item numbers 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 46, 47, 48, and 49, as defined in Table A, Section 8-7.

7. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based upon the assessed value for real estate tax purposes of such building or structure as of the assessment date preceding the application.

8. "Transportation Access Plan" shall mean a document which identifies the impact on the Transportation Network of a Proposed Project and describes proposed mitigation and monitoring measures.

9. "Transportation Department" shall mean the City of Boston Traffic and Parking Department, as such department may be renamed from time to time.

10. "Transportation Mitigation Costs" shall mean the anticipated costs of relieving the burdens reasonably attributable to a Proposed Project which are imposed on the city's Transportation Network.

11. "Transportation Network" shall mean the elements of the publicly-owned facilities and accessible ways encompassed by the Impact Area, as set forth in Section 31-4.1, and all aspects of operation and maintenance of such ways and facilities.

SECTION 31-3. Applicability. Any Applicant seeking a building permit for any of the following Proposed Projects shall submit a Transportation Access Plan to the Boston Redevelopment Authority for its approval.

1. Any use for which it is proposed to erect a new building or structure having a gross floor area of one hundred thousand (100,000) square feet, to expand the gross floor area of an existing building or structure by more than one hundred thousand (100,000) square feet, or to Substantially Rehabilitate an existing building or structure having, or to have after rehabilitation, a gross floor area of more than one hundred thousand (100,000) square feet.

2. Any Retail Use, as defined in Section 31-2, for which it is proposed to erect a new building or structure having a gross floor area of more than fifty thousand (50,000) square feet, to expand the gross floor area of an existing building or structure by more than fifty thousand (50,000) square feet, or to Substantially Rehabilitate an existing building or structure having, or to have after rehabilitation, a gross floor area of more than fifty thousand (50,000) square feet

3. Any Residential Use, as defined in Section 31-2, for which it is proposed to erect a new building or structure having more than thirty (30) dwelling units, to expand an existing building or structure by thirty (30) or more dwelling units, or to substantially rehabilitate an existing building or structure having, or to have after rehabilitation, thirty (30) or more dwelling units.

SECTION 31-4. Transportation Access Plan Requirements. Transportation Access Plans shall include Impact Assessment, Mitigation, and Monitoring components.

1. The Impact Assessment component shall compare the impact of the Proposed Project on the city's Transportation Network to a no-build scenario; the analysis shall take into account current conditions and anticipated construction in the Impact Area. The Impact Assessment component shall identify and evaluate the impact of the Proposed Project on vehicular and pedestrian traffic and access; tenant, employee, and visitor parking needs on the supply of and demand for parking in the Impact Area; and the demand for and availability of public transportation in the Impact Area. The Impact Assessment shall also identify the

proposed number, location, and dimension of loading docks necessary for the Proposed Project; any curb cuts, sidewalks, and street changes sought; and an evaluation of the impact of the Proposed Project's construction on the Transportation Network.

2. The Mitigation Component shall propose measures to minimize, to the extent feasible, the Transportation Mitigation Costs, and provide a plan for implementing such measures. Mitigation measures shall be designed to minimize, the number of vehicle trips generated by the Proposed Project, the demand for parking, both on-site and off-site; and the interference of building construction with the safe and orderly operation of the city's Transportation Network. Mitigation measures may include, but shall not be limited to, flex-time, van-pooling, and mass transit subsidization.

3. The Monitoring Component shall describe the means and procedures for the periodic evaluation of the mitigation measures' effectiveness and shall include provisions for the Transportation Department to monitor the impact of the Proposed Project's construction on the Transportation Network.

SECTION 31-5. Transportation Mitigation Grant. If the Applicant's mitigation measures, proposed in accordance with the requirements of Section 31-4, are insufficient to obviate or offset all Transportation Mitigation Costs, the Applicant shall tender a Transportation Mitigation Grant equal to the actual net Transportation Mitigation Costs that will be imposed by the Proposed Project; the Transportation Mitigation Grant shall be required in addition to

the implementation of the mitigation measures required under Section 31-4. In no case, however, shall the Transportation Mitigation Grant exceed fifty cents ($.50) per square foot of the Gross Floor Area of the Proposed Project. The Transportation Mitigation Grant paid by the Applicant shall be earmarked solely for improvements to the Transportation Network which reduce Transportation Mitigation Costs.

SECTION 31-6. Payment of Transportation Mitigation Grant. The Transportation Mitigation Grant shall be paid by the Applicant upon the issuance of building permit to the Collector-Treasurer of the city, pending acceptance of the grant for the Transportation Improvement Fund, a Massachusetts public charitable trust to be created pursuant to the Special Statutes and Ordinances fo athe City of Boston.

SECTION 31-7. Transportation Access Plan Approval. Upon receipt by the Boston Redevelopment Authority, a copy of the Transportation Access Plan shall be forwarded to the Transportation Department to review such plan for its conformity with the requirements of Section 31-4. The Transportation Department shall, within thirty (30) days of its receipt of such copy, recommend to the Boston Redevelopment Authority and the Boston Redevelopment Authority shall determine whether such Transportation Access Plan is in compliance with this article and whether the Proposed Project shall be subject to the Transportation Mitigation Grant, provided that if no such recommendation is received within thirty days, the Boston Redevelopment Authority had a hearing and render its decision without such recommendations. The Transportation Department shall base its recommendation to the Boston Redevelopment Authority, on the basis of the following criteria.

1. The number of traffic intersections in the Study Area which will sustain increases in volume reasonably attributed to the Proposed Project's construction, and the extent of such increases, including an evaluation of Levels of Service of such intersections.

2. The Proposed Project's impact on the supply and demand of parking in the Study Area.

3. The degree to which the Transportation Access Plan demonstrates its adequacy in minimizing the Proposed Project's negative impact on the Transportation Network.

4. The cost of any off-site improvements to the Transportation Network which are rendered necessary and are reasonably attributable to the Proposed Project.

SECTION 31-8. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 31-9. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 31-11. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or section of this articie and such remaining provision and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

5

Environmental Mitigation

Environmental Mitigation

Article 32, the proposed Environmental Mitigation amendment, requires developers to meet environmental mitigation requirements. The requirements are triggered by the need for a building permit. The article applies citywide to any new construction or expansion project greater than 25,000 square feet.

The subjects of environmental mitigation studies will be determined by the Boston Redevelopment Authority through a "scoping process"-- a process which identifies the direct and indirect environmental effects likely to result from a proposed project. Effects which may be identified include wind, shadow, daylight, noise, air and water quality, energy requirements, excavation and land fill, and historic and archaeological resources. For each effect, the developer must propose mitigation measures.

Environmental mitigation measures proposed by developers will be reviewed by the Boston Redevelopment Authority. A building permit will not be granted unless adequate mitigation measures have been proposed.

Text Amendment Application No.___
Boston Redevelopment Authority
Environmental Mitigation Plans

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 31, the following Article:

Article 32

ENVIRONMENTAL MITIGATION

SECTION 32-1. Statement of Purpose. The purposes of this article are to maintain a healthy and safe environment; to provide ample access to light and air; to encourage the most appropriate use of land; to improve the overall quality of development; to protect and improve air and water quality; and to improve the pedestrian environment.

SECTION 32-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 32-3.

2. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure, for which the Applicant is required to obtain a building permit.

3. "Residential Use(s)" shall mean use item numbers 7, 7A, 7B, 8, 10, and 14, as defined in Table 4, Section 8-7.

4. "Substantial Rehabilitation" shall mean alterations or repairs made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based upon the assessed value for real estate tax purposes as of the assessment date preceding the application.

SECTION 32-3. Applicability. Any Applicant seeking a building permit for any of the following Proposed Projects shall be subject to the requirements of this article.

1. Any building or structure proposed to have a gross floor area in excess of twenty-five thousand (25,000) square feet, any expansion or extension of an existing building or structure which increases the gross floor area by more than twenty-five thousand (25,000) square feet, or any Substantial Rehabilitation of a building or structure having, or to have after rehabilitation, a gross floor area of more than twenty-five thousand (25,000) square feet. For purposes of this section only, gross floor area shall be defined as exclusive of all accessory garage space.

2. Any Residential Use, as defined in Section 32-2, for which it is proposed to erect a new building or structure having more than thirty (30) dwelling units.

SECTION 32-4. Environmental Mitigation Measures. The Boston Redevelopment Authority shall determine the subject matter and scope of environmental studies to be conducted by the Applicant after identifying these aspects of the Proposed Project, based on elements identified in this section which are likely to cause direct or indirect damage to the environment. In conjunction with such studies the Applicant shall propose mitigation and design measures which minimize, to the extent feasible, direct or indirect damage to the environment reasonably attributable to the Proposed Project. Elements for which environmental studies and mitigation measures may be required may include the following.

1. Wind. Information shall be provided that indicates the pedestrian-level wind impact of the Proposed Project. Wind tunnel testing shall be required for any Proposed Project over one hundred fifty feet (150') as measured from the cornice line in height and any Proposed Project at least twice as tall as any adjacent building.

2. Shadow. Information shall be provided that indicates the shadow impact of the Proposed Project, with particular emphasis on sidewalks, plazas, and other public open spaces. Shadow analyses shall include build and no-build scenarios.

3. Daylight. Information shall be provided that indicates the percentage of skydome obstructed for build and no-build scenarios.

4. Solar Glare. An analysis of the solar glare impact and solar heat gain shall be provided.

5. Air Quality. The impact on local air quality from additional traffic and from any garage exhaust system shall be evaluated. For residential projects, ambient air quality shall be evaluated to determine conformance with the national Ambient Air Quality Standards established by the Environmental Protection Agency of the United States.

6. Water Quality. An evaluation of the impact of the Proposed Project on the water quality of Boston Harbor or other affected water bodies shall be provided.

7. Flood Hazard Zones/Wetlands. A graphic or narrative description of the Proposed Project's location with respect to Flood Hazard Zones or Wetlands shall be provided.

8. Groundwater. An analysis of the impact of construction on groundwater levels and resultant effects on surrounding structures, wooden piles, and foundations shall be provided.

9. Geotechnical Impact. An analysis of sub-soil conditions, the potential for ground movement and settlement during construction, and the impact on adjacent buildings and utility lines shall be provided, together with a description of foundation construction methodology.

10. Historical/Archaeological Impact. Historic properties and potential archaeological resources within or in the vicinity of the Proposed Project's site, including any National or Massachusetts Register site or

district, or any landmark or historic building so designated by the Boston Landmarks Commission, shall be identified and the potential impact on such properties or resources described.

11. Solid and Hazardous Wastes. A description of any known toxic or hazardous wastes on or buried in the Proposed Project's site shall be provided, pursuant to the requirements of M.G.L. Chapter 21C. Waste generation by the Proposed Project including hazardous wastes, shall be described.

12. Utility Systems. Water consumption and sewage generation from the Proposed Project shall be estimated and the impact on the capacity and adequacy of the existing water and sewer systems shall be evaluated.

13. Energy. A description of the energy requirements of the Proposed Project and an evaluation of the Proposed Project's impact on resources and utility systems shall be provided.

14. Noise. A noise impact analysis to determine compliance with applicable city, state, and federal regulations shall be provided. For residential projects, ambient noise levels shall be evaluated to determine conformance with the Design Noise Levels established by the Department of Housing and Urban Development of the United States.

15. Construction Impact. A description of the potential construction impact from noise, dust, and pollutant emissions, waste generation and disposal, truck traffic and access routes, staging areas, construction worker parking, and public safety shall be provided.

SECTION 32-5. Approval of Environmental Mitigation Measures. Where the submission of environmental studies is required pursuant to Section 32-4, the Boston Redevelopment Authority shall review the studies for conformity with the requirements of Section 32-4. The Boston Redevelopment Authority shall not approve proposed environmental mitigation measures unless it finds the Proposed Project mitigates the direct or indirect damage to the environment reasonably attributable to the Proposed Project.

SECTION 32-6. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 32-7. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 32-8. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provision and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

6

Institutional Master Plans

Institutional Master Plans

The major medical, educational, and governmental institutions concentrated in Boston contribute significantly to the city's special character, as well as to its economy. They provide numerous jobs and generate expenditures from students, patients, visitors, and employees. Without proper management, however, such institutions can put pressure on the city's transportation system, residential neighborhoods, and fiscal health.

Article 33 as proposed requires institutions seeking a building permit to submit a master plan which sets forth a statement of development concepts and planning objectives, as well as the scale, uses, and character of proposed development. The master plan must project at least five years into the future.

The specific elements to be included in an institution's master plan will be determined through a "scoping" process -- a process which identifies the issues related to a particular project or situation. Among the issues which could be addressed in an Institutional Master Plan are ownership and occupancy of buildings which are part of the institution, location of adjacent residential uses, traffic and parking needs, phasing of construction, and citizen participation in the planning process.

To ensure that after approval the master plan is followed, the Boston Redevelopment Authority shall certify that proposed projects are in accord with the master plan. The proposed regulation provides a means for amending a master plan, but only with public knowledge and participation.

Text Amendment Application No. ___
Boston Redevelopment Authority
Institutional Master Plan

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code by inserting after Article 32, the following Article:

ARTICLE 33

INSTITUTIONAL MASTER PLANS

SECTION 33-1. Statement of Purpose. The purposes of this article are to coordinate institutional development decisions with city planning; to assess the impact of institutional expansion on the city as a whole and on surrounding neighborhoods; to inform community and neighborhood organizations, public and private agencies, and the general public about institutional development and expansion plans at an early stage; to afford an opportunity to these groups for involvement prior to substantial investments by institutions in property acquisition or building design; and to facilitate efficient institutional development.

SECTION 33-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any entity, or person representing an entity, having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 33-3.

2. "Institutional Use" shall mean use item numbers 16A, 18, 20, 20A, 22, 23, 24, and 25, as defined in Table A, Section 8-7.

3. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

4. "Substantial Rehabilitation" shall mean alterations or repairs made to a building or structure, within any period of twelve (12) months, costing more than fifty (50%) percent of the assessed value of the building or structure prior to such alterations or repairs, such value to be based upon the assessed value for real estate tax purposes as of the assessment date preceding the application.

SECTION 33-3. Applicability. Any Applicant seeking a building permit for any of the following Proposed Projects which include an Institutional Use shall submit an Institutional Master Plan for review and approval by the Boston Redevelopment Authority; provided, however, that where the Boston Redevelopment Authority has on file an approved Institutional Master Plan for the Applicant, the Applicant may instead submit an amendment to the approved Institutional Master Plan, in accordance with Section 33-6.

1. Any building or structure proposed to have a gross floor area of ten thousand (10,000) square feet, any expansion of an existing building or structure which increases the gross floor area by more than ten thousand (10,000) square feet, or any Substantial Rehabilitation of a building or structure having, or to have after rehabilitation, a gross floor area of more than ten thousand (10,000) square feet.

2. Any Proposed Project whose gross floor area, when added to the gross floor area of all other Proposed Projects of the Applicant approved within the twelve (12) months immediately preceding the application for a building permit, totals more than twenty-five thousand (25,000) square feet of gross floor area.

SECTION 33-4. Institutional Master Plan Requirements. An Institutional Master Plan shall include those elements identified in this section which the Boston Redevelopment Authority determines are necessary for city planning purposes to judge the impact of the Proposed Project and future Proposed Projects of the Applicant on the surrounding neighborhoods. The Institutional Master Plan shall project at least five years into the future, commencing from the date of application for a building permit for the Proposed Project. Elements required in an Institutional Master Plan may include the following.

1. A survey of existing ownership, land uses, and building occupancies in the area in which the applicant institution is located.

2. The applicability to the Applicant's current and future Proposed Projects of any existing urban renewal plan(s) or cooperation agreement between the city or the Boston Redevelopment Authority and the Applicant.

3. A projection of the institution's present and future need for academic, service, research, housing, patient care, and parking facilities.

4. An identification and analysis of alternative development scenarios and their impacts, including alternative sites for Proposed Projects.

5. A schedule for the timing and phasing of the current and future Proposed Projects and associated mitigation measures.

6. An analysis of the impact of the current and future Proposed Projects will have on the Transportation Network, as defined in Section 31-2.

7. An identification of measures to minimize detrimental environmental, fiscal, and housing impacts on the neighborhood and the city.

8. A description of a process for citizen participation in the review of institutional development proposals.

SECTION 33-5. Institutional Master Plan Approval. Prior to approval of the Institutional Master Plan, the Boston Redevelopment Authority shall hold a public meeting within ninety (90) days of the application for a building permit to allow public review and comment on the Institutional Master Plan. The Boston Redevelopment Authority shall approve the Applicant's Institutional Master Plan only if it finds: (a) that the Institutional Master Plan conforms to the general plan for the city as a whole; and (b) that the benefits of the Proposed Projects described in the Institutional Master Plan exceed any negative impact of the program on the surrounding neighborhoods. Any Institutional Master Plan approved shall be valid for not more than five years into the future, commencing from the date of the Institutional Master Plan approval.

SECTION 33-6. Institutional Master Plan Amendments. Where the Applicant has an approved Institutional Master Plan on file with the Boston Redevelopment Authority, any application for a building permit for a Proposed Project subject to the requirements of this article shall be deemed an amendment. If the Boston Redevelopment Authority determines that a proposed amendment is fundamental, the amendment shall be deemed a new application. If the Boston Redevelopment Authority determines that a proposed amendment is not fundamental, the amendment may be incorporated into the approved Institutional Master Plan. An amendment shall be deemed fundamental if it is of such a notice and magnitude as to alter the essence of the Plan, with reference to the Plan as a whole. Where an Applicant seeks a building permit for a Proposed Projects subject to the requirements of this article, the application shall include a statement as to whether the Institutional Master Plan on file includes all Proposed Projects subject to the requirements of this article for which a building permit will be sought within five years of the date of the building permit application.

SECTION 33-7. Enforcement. The Commissioner of the Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Institutional Master Plan complies with this article.

SECTION 33-8. Appeal. Any Applicant aggrieved by a decision of the Boston Redevelopment Authority made pursuant to this article may appeal to the Board of Appeal within forty-five (45) days after such decision. Each appeal shall be filed in quadruplicate with the Commissioner of Inspectional Services, who shall retain one file copy and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority

shall, within thirty (30) days after the date of such transmittal, file with the Board of Appeal a report to aid the Board of Appeal in judging the appeal. The Board of Appeal shall not hold a hearing nor render any decision on an appeal until such report has been received and considered, provided that if no such report is received within said thirty (30) days, the Board of Appeal may hold a hearing and render its decision without such report. Where the Board of Appeal grants any form of relief from a Boston Redevelopment Authority decision made pursuant to this article, the Board of Appeal shall provide specific written reasons for doing so at the time of its decision.

SECTION 33-9. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 33-10. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or section of this article and such remaining provision and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

7

Historic Preservation

Historic Preservation

The historic structures which Boston has acquired over the past three and a half centuries contribute to the city's special character, to the quality of life for its residents, and to its economy. Yet Boston's historic resources have never had the benefit of municipal legal protection and, as a result, many of Boston's historic properties have been lost to demolition or destruction. The proposed article establishes historic preservation as a city priority.

The proposed amendment establishes a policy whereby all buildings in Landmarks Commission Category 1, 2 or 3 are eligible for preservation and protection from adverse alteration. The Historic Preservation regulations also protect Category 4 buildings where such buildings contribute as a group to the street scene. As a first step, this amendment provides that Category 1, Category 2, and extraordinary Category 3 buildings be designated to provide immediate municipal protection to Boston's most significant structures.

Text Amendment Application No.
Boston Redevelopment Authority
Historic Preservation

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 33 the following Article:

ARTICLE 34

HISTORIC PRESERVATION

SECTION 34-1. Statement of Purpose. The purposes of this article are to protect, enhance, and perpetuate the special architectural, historical, and aesthetic qualities of Boston's neighborhoods and districts; to preserve the scale, design, and character and the architectural, historical, and cultural heritage of the city; to preserve the structural elements of the city that are of architectural and historical merit to New England and the nation; to protect, enhance, and maintain buildings of special architectural and historical character which contribute to Boston's urban environment; to foster and maintain a healthy economy for the city by enhancing both property values and the city's attractiveness as a place to conduct business; to protect and improve the city's attractiveness to tourists and other visitors, and thereby to stimulate business activity; and to enrich the educational, cultural, aesthetic and spiritual life of the inhabitants of the city by stimulating an understanding of the city's past; and to retain the quality of the city's urban environment.

SECTION 34-2. Definitions. For the purpose of this article only, the following words or phrases, when capitalized, shall have the meanings indicated.

1. "Historic Building" shall mean any structure or building designated by the Landmarks Commission as a Category One, Category Two, Category Three, or Category Four structure pursuant to Section 34-4.

2. "Integral Feature" shall mean a feature of historical and architectural significance; such features may include changes and additions to an Historic Building which have taken place over the course of time.

3. "Landmarks Commission" shall mean the Boston Landmarks Commission, as established by Chapter 772 of the Acts of 1975.

4. "Owner" shall mean the owner or the authorized agent of the owner of any Historic Building.

5. "Proposed Project" shall mean any construction, reconstruction, alteration, rehabilitation, or demolition of an Historic Building for which the Owner is required to obtain a building, demolition, or sign permit.

SECTION 34-3. Applicability. Any Applicant seeking a building, sign, or demolition permit for any Proposed Project, as defined in Section 34-2, shall be subject to the requirements of this article.

SECTION 34-4. Designation of Historic Buildings. Any structure or building in the City of Boston may be designated by the Landmarks Commission as a Category One, Category Two, Category Three, or Category Four Historic Building in light of the qualities of history, architecture, and urban design which it exhibits.

1. Category One Historic Buildings shall have national significance as buildings associated with Boston history, particularly the Colonial or Revolutionary War periods; as nationally-known examples of the work of Boston architects; or as examples of particular building styles or types which became prototypes for similar buildings throughout the nation or which are rare throughout the nation.

2. Category Two Historic Buildings shall have the highest significance to the City of Boston, the Commonwealth, and the New England region as the city's most outstanding examples of their style or building type, distinguished for high architectural quality and high degree of intactness; as early or rare examples of the use of a particular style or building technology in Boston; as the best examples of the work of major Boston architects; as buildings outstanding in their setting, with particular urban design value; or as buildings of the highest regional or local historical significance.

3. Category Three Historic Buildings shall be of significance to the City of Boston as fine examples of the work of Boston architects; as buildings which make an important contribution to the character of a street or

area; as buildings with strong historical associations with major Boston industries, organizations, institutions, or events; or as fine examples of a particular style or building type.

4. Category Four Historic Buildings shall be of importance as an integral element of a visually cohesive streetscape within a district of major historical or architectural significance; as buildings with some individual architectural distinction, whether because of their materials, craftsmanship or detailing, which provide a context for buildings historically and architecturally more significant when viewed as a whole; or as buildings which, when observed together, provide a scale which is subordinate to Category One structures.

SECTION 34-5. Direct Designation by the Zoning Commission. Notwithstanding any provision of this article, the Zoning Commission may directly designate any structure as an Historic Building.

1. The following structures shall hereby be Category One Historic Buildings:

Address	Name of Building
10½ Beacon	Boston Athenaeum
234 Berkeley Street	Bonwit Teller's
Boylston Street	Arlington Street Church
351 Boylston	
Boylston Street/Copley Square	Trinity Church
635-645 Boylston Street	Old South Church
666 Boylston Street	Boston Public Library
1 City Hall Plaza	Boston City Hall
Zero Court	Ames Building
Faneuil Hall Square	Faneuil Hall
Faneuil Hall Marketplace	Faneuil Hall Market, No. & So.
McKinley Square	U.S. Custom House
45 School	Old Boston City Hall
34-36 Tremont	King's Chapel Burial Ground

Address	Name of Building
38 Tremont	King's Chapel
83-115 Tremont	Granary Burial Ground
117-123 Tremont	Park Street Church
136 Tremont	St. Paul's Cathedral
41-43 Union	Union Oyster House
208 Washington	Old State House
308 Washington	Old South Meeting House
281-283 Washington	Old Corner Bookstore

2. The following structures shall hereby be Category Two Historic Buildings:

Address	Name of Building
620-690 Atlantic	South Station Headhouse
54-68 Batterymarch	Batterymarch/Public Service
89-103 Bedford	Bedford Building
96-106 Boylston	Colonial Theatre
412-426 Boylston Street	Decorators Building
943-951 Boylston Street	
955 Boylston Street	Institute of Contemporary Art
2-22 Broad	Board of Trade Building
32-38 Bromfield	Wesleyan Association Building
115 Cambridge	Mass. HEW Service Center
Cornhill	Sears Crescent
70-72 Cornhill	Sears Block
75 Federal	State St. Bank & Trust
86-102 Franklin	Boston Safe Deposit
89-93 Franklin	Wigglesworth Building
34-66 High	United Shoe Machinery Corp.
172-174, 176-178 High	Chadwick Leadworks
146-176 Milk thru to Central	Central Wharf Buildings
15-17 Milk	Boston Post Building
171,173-175 Milk	Bulfinch Warehouses
177 Milk	Flour & Grain Exchange
Pemberton Square	Suffolk County Courthouse
112-116 State	Richards Building
171-189 State	State Street Block
40-46 Summer	Long's Building
244-250 Tremont	Wilbur Theatre
252-272 Tremont	Metropolitan Center
219-221 Tremont	Saxon Theatre
74-78 Warrenton	Charles Playhouse
276-278 Washington	Carter/Winthrop Building
322-328 Washington	Boston Transcript Building
384-426 Washington	Filene's
539 Washington	Savoy
20-42 Water	National Shawmut Bank
3-4 Winter Place	Locke-Ober's
1 Winthrop Square	Beebe Weld Rec. Am. Building

3. The following structures shall hereby be Category Three Historic Buildings:

(Exact list of buildings yet to be determined.)

SECTION 34-6. Historic Building Protection. A Proposed Project shall proceed only in accordance with regulations adopted pursuant to this article which set forth standards and criteria for the preservation of the Historic Building. Such regulations may be promulgated for one or more Historic Building(s), and separate regulations may be promulgated for each Historic Building. All regulations established pursuant to this article shall be consistent with the following standards:

1. Integral Features of the Historic Building shall be preserved whenever possible.

2. Deteriorated material or Integral Features of the Historic Building shall be repaired, whenever possible, rather than replaced or removed. When replacement of Integral Features is necessary, the replacement where possible shall be based on physical or documentary evidence of such Integral Features. New materials shall, to the extent feasible, match the material being replaced in physical properties, design, color, texture, and other visual qualities.

3. New additions or alterations shall not disrupt the essential form and integrity of the Historic Building and should be compatible with the size, scale, color, material, and character of the Historic Building.

SECTION 34-7. Public Hearing. No structure shall be designated an Historic Building nor shall any Proposed Project be approved until the Landmarks

Commission has held a public hearing with respect to such designation or Proposed Project. Notice shall be published at least ten days prior to such meeting in one or more newspapers of general circulation in the City of Boston, and shall refer to this article, give the time and place of the public meeting, and state the address and Owner of the structure(s) under consideration for designation as an Historic Building or for a Proposed Project. Such notice shall also be sent by registered mail, postage prepaid, to the Owner of the structure(s) under consideration for designation as an Historic Building and to the owners of all property abutting the property on which the structure under consideration for designation as an Historic Building or for a Proposed Project is located.

SECTION 34-8. Supermajority Vote Requirement. No designation of a structure as an Historic Building or approval of any Proposed Project shall be valid unless adopted by the Landmarks Commission by the concurrent vote of not less than two-thirds of its members at a public hearing held in accordance with Section 34-7.

SECTION 34-9. Enforcement. The Commissioner of Inspectional Services shall not issue any building, sign, or demolition permit for a Proposed Project subject to this article unless the Landmarks Commission has certified on any plans, drawings, and specifications submitted by the Owner in connection with the permit application that the Proposed Project complies with this article.

SECTION 34-10. Appeal of Decisions. Any Owner aggrieved by reason of any designation by the Zoning Commission or the Landmarks Commission or

any permit denial by the Inspectional Services Department made pursuant to this article may appeal to the Board of Appeal within forty-five (45) days after such designation or denial. Every appeal to the Board of Appeal shall be in writing and on a form prescribed by said Board. Each appeal shall be filed in quadruplicate with the Building Commissioner, who shall retain one file copy and transmit the other copies as follows: one to the Board of Appeal, one to the Landmarks Commission, and the other to the Zoning Commission. The Landmarks Commission shall, within thirty (30) days after the date of such transmittal, file with the Board of Appeal a report to aid the Board of Appeal in judging the appeal. The Board of Appeal shall not hold a hearing nor render any decision on an appeal until such report has been received and considered, provided that if no such report is received within said thirty (30) days, the Board of Appeal may hold a hearing and render its decision without such report. Where the Board of Appeal grants any form of relief from a Landmarks Commission decision made pursuant to this article, the Board of Appeal shall provide specific, written reasons for doing so at the time of its decision.

SECTION 34-11. Registry of Historic Buildings. The Landmarks Commission shall compile a registry of all Historic Buildings designated pursuant to this article. The registry shall be available to the public from the Landmarks Commission upon request.

SECTION 34-12. Relationship to Other Historic Preservation Laws. Where any structure or building is, or becomes, subject to historic preservation laws or regulations enacted or promulgated pursuant to an act of the General Court, such laws or regulations shall prevail over the requirements of this article.

SECTION 34-13. Regulations. The Landmarks Commission shall adopt regulations prior to administering this article. Such regulations shall become effective upon approval by the Zoning Commission at a public hearing only upon the recommendation of the Boston Redevelopment Authority.

SECTION 34-14. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (417) 722-4300, Extension 201

Date: _____

8

Barrier-Free Access

Barrier-Free Access

A substantial number of physically handicapped people live in Boston and many visit the city annually. Physically handicapped residents and visitors are confronted by such architectural barriers as stairs, escalators, and narrow doorways that make wheelchairs difficult to maneuver; inaccessible restrooms; drinking fountains and light switches that are too high; lack of raised letter and Braille signs; carpeted, slippery or spongy floor surfaces; sidewalks without curb cuts; and lack of hand rails and grab rails. Proposed Article 35 represents significant progress toward equal access and opportunity for the physically handicapped in the City of Boston.

The Barrier-Free Access amendment provides that applicants for building permits for a commercial or retail project of 10,000 square feet or more and residential or hotel uses with 12 or more units demonstrate that the project is accessible to physically handicapped persons and complies with regulations promulgated by the Boston Redevelopment Authority, in consultation with the Boston Commission for Handicapped Affairs. Five percent of the units in hotels and residential uses must be accessible, and other dwelling units must be easily adaptable for accessibility by physically handicapped persons.

Text Amendment Application No.
Boston Redevelopment Authority
Barrier-Free Access

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code by inserting after Article 34 the following Article:

Article 35

BARRIER-FREE ACCESS

SECTION 35-1. Statement of Purpose. The purposes of this article are to ensure that physically handicapped persons have full access to buildings open to the public to afford such persons the educational, employment, and recreational opportunities necessary to all citizens; and to preserve and increase the supply of living space accessible to physically handicapped.

SECTION 35-2. Definitions. For the purposes of this article only, the following words and phrases, when capitalized, shall have the meanings indicated.

1. "Accessible" shall mean designed and constructed in such a manner as to be safely approached, entered, or used by Physically Handicapped Persons.

2. "Accessible Units" shall mean a dwelling unit designed to permit ingress and egress through all doorways by a wheelchair of standard width and in which the bathroom and kitchen can be used generally by a wheelchair-bound person without assistance.

3. "Applicant" shall mean any person or entity having a legal or equitable interest in a Proposed Project subject to the requirements of this article, as set forth in Section 37-3.

4. "Commercial Use" shall mean use item numbers 30, 39, 39A, 40, 41, 42 and 59, as defined in Table A, Section 8-7.

5. "Hotel Use" shall mean use item number 15, as defined in Table A, Section 8-7.

6. "Physically Handicapped Person" shall mean a person confined to a wheelchair; a person who walks with difficulty or insecurity; a person who suffers from faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he or she is insecure or exposed to danger; a person whose hearing is so impaired that he or she is unable to hear warning signals; and a person whose mobility, coordination, or perceptiveness are reduced by aging.

7. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

8. "Residential Use" shall mean use item numbers 7, 7A, 7B, 8, 10, 11, 12, 13, and 14, as defined in Table A, Section 8-7.

9. "Retail Use" shall mean use item numbers 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 46, 47, 48, and 49, as defined in Table A, Section 8-7.

10. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based upon the assessed value for real estate tax purposes as of the assessment date preceding the application.

SECTION 35-3. Applicability. Any Applicant seeking a building permit for any of the following Proposed Projects shall be subject to the requirements of this article.

1. Any Commercial or Retail Use for which it is proposed to erect a building or structure having a gross floor area, exclusive of accessory garage space, in excess of ten thousand (10,000) square feet; to enlarge or extend a building or structure so as to increase its gross floor area by more than ten thousand (10,000) square feet; or to Substantially Rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than ten thousand square feet (10,000) square feet.

2. Any Proposed Project for Residential Use or Hotel Use with twelve (12) or more dwelling units.

SECTION 35-4. Barrier-Free Access Requirements. Any Proposed Project subject to the requirements of this article, as set forth in Section 35-3, shall be Accessible and shall be constructed so that a minimum of five percent (5%)

of the dwelling units in Residential Uses and Hotel Uses, as defined in Section 35-2, are Accessible Units which are comparable to other units in the Proposed Project with respect to construction quality and exterior appearance.

SECTION 35-5. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 35-6. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article. Such regulations may incorporate by reference regulations promulgated pursuant to the Massachusetts Architectural Barriers Act, Massachusetts General Laws, Chapter 22, Section 13A, as amended.

SECTION 35-7. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

9

Design Review

Design Review

Protecting and enhancing the urban design qualities of Boston are major priorities of the new zoning regulations. The city's goal is to achieve the construction of buildings of special architectural character that contribute to the urban environment. The purpose is not only aesthetic, but also to augment Boston's attractiveness as a city in which to do business, to live, and to vacation, thereby improving the local economy.

The Design Review amendment, Article 36, is being proposed to ensure development compatible with Boston's traditional scale and character. Projects of 10,000 square feet or more, projects of ten or more residential uses, or projects which have received a variance, exception, or other zoning permit are subject to design review. The amendment requires developers to design buildings that respect the design of the surrounding area and improve the quality of the pedestrian environment. Developers must comply with particular architectural requirements for the area within which the project is located. In this way, conformity with design goals for both existing and new or changing areas of the city is ensured, resulting in architecturally cohesive subdistricts of compatible design.

2. "Commercial Use" shall mean use item numbers 15, 30, 39, 39A, 40, 41, 42 and 59, as defined in Table A, Section 8-7.

3. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

4. "Residential Use" shall mean use item numbers 7, 7A, 7B, 8, 10, and 14, as defined in Table A, Section 8-7.

5. "Retail Use" shall mean use item numbers 34, 34A, 35, 36, 36A, 37, 37A, 38, 38A, 43, 44, 46, 47, 48, and 49, as defined in Table A, Section 8-7.

6. "Substantially Rehabilitate" shall mean to cause alterations or repairs to be made to a building or structure, within any period of twelve (12) months, costing more than fifty percent (50%) of the assessed value of the building or structure prior to such alterations or repairs, such value to be based upon the assessed value for real estate tax purposes as of the assessment date preceding the application.

7. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, interim planning permit, change of use permit, or zoning map or text change.

SECTION 36-3. Applicability. Any Applicant seeking a building permit for any of the following Proposed Projects shall be subject to the requirements of this article.

1. Any Commercial or Retail Use for which it is proposed to erect a building or structure having a gross floor area, exclusive of all accessory garage space, in excess of ten thousand (10,000) square feet, to enlarge or extend a building or structure so as to increase its gross floor area by more than ten thousand (10,000) square feet, or to Substantially Rehabilitate a building or structure having, or to have after rehabilitation, a gross floor area of more than ten thousand square feet (10,000) square feet.

2. Any Residential Use for which it is proposed to erect a building or structure having ten (10) dwelling units or more, to enlarge or extend a building or structure so as to increase the number of dwelling units by ten (10) or more, or to Substantially Rehabilitate a building or structure having, or to have after rehabilitation, ten (10) or more dwelling units.

3. Any Proposed Project for which Zoning Relief is granted.

SECTION 36-4. Urban Design Standards. Any Proposed Project subject to the requirements of this article shall submit such plans, drawings, and specifications which are necessary for the Boston Redevelopment Authority to determine whether the Proposed Project's design: (a) is architecturally compatible with surrounding structures; (b) exhibits an architectural concept that enhances the urban design features of the subdistrict in which it is located; (c) augments the quality of the pedestrian environment; and (d) is consistent with the established design guidelines that may exist for an interim planning overlay district, a subdistrict, a special study area, an urban renewal area, a master planned development area, or other planning area or

district, and which may include particular architectural requirements concerning massing, proportions, setbacks, materials, fenestration, ground level treatment, and other related architectural characteristics.

SECTION 36-5. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for a Proposed Project subject to this article unless the Proposed Project complies with this article.

SECTION 36-6. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 36-7. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

10

Certification of Zoning Compliance

Certification of Zoning Compliance

The Boston Zoning Code comprehends a complex set of land use regulations. While individual regulations may specify with sufficient clarity their own requirements, the current code does not explicate the process by which development projects comply with these requirements as whole.

Article 37 as proposed requires certification of zoning compliance by the Boston Redevelopment Authority before the issuance of a building permit for projects subject to the requirements of Articles 26, 26A, 26B, 27, 28, 29, 30, 31, 32, 33, 35 and 36. These include the Development Impact amendments and the currently proposed articles. The amendment provides a simple administrative procedure to verify that projects comply with the intent and purpose of the code.

The Certification of Zoning Compliance regulations promote operational efficiency in the code. As the Zoning Commission formalizes current project review procedures in the new amendments, this proposal minimizes the additional regulatory burden which could otherwise accompany enactment of a variety of approval and permit requirements.

Text Amendment Application No. ___
Boston Redevelopment Authority
Certification of Zoning Compliance

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, by inserting after Article 36, the following Article:

Article 37

CERTIFICATION OF ZONING COMPLIANCE

SECTION 37-1. Statement of Purpose. The purposes of this article are to ensure compliance with the intent and purpose of the Boston Zoning Code; to promote efficiency in the administration of the Boston Zoning Code; and to establish procedures for the implementation of amendments to the Boston Zoning Code.

SECTION 37-2. Definitions. For the purpose of this article only, the following words or phrases, when capitalized, shall have the meanings indicated.

1. "Applicant" shall mean any person or entity having a legal or equitable interest in a project subject to the requirements of this article, as set forth in Section 37-3.

2. "Proposed Project" shall mean any construction, reconstruction, alteration, or rehabilitation of a structure for which the Applicant is required to obtain a building permit.

3. "Zoning Relief" shall mean any zoning variance, exception, conditional use permit, interim planning permit, change of use or occupancy permit, or zoning map or text change.

SECTION 37-3. Applicability. Any Applicant seeking a building permit for any Proposed Project subject to the requirements of Articles 26, 26A, 26B, 27, 28, 29, 30, 31, 32, 33, 35, or 36 of the Boston Zoning Code shall be subject to the requirements of this article.

SECTION 37-4. Procedure; Approval. The Commissioner of Inspectional Services shall forward to the Boston Redevelopment Authority one copy of any plans, drawings, or specifications filed with the Commissioner in connection with any building permit application for a Proposed Project subject to the requirements of this article. Within thirty days of receipt of such copy, the Boston Redevelopment Authority shall determine whether the Proposed Project complies with the applicable provisions of Articles 26, 26A, 26B, 27, 28, 29, 30, 31, 32, 33, 35, and 36 of the Boston Zoning Code and shall notify the Commissioner of Inspectional Services of such determination. Where the Director of the Boston Redevelopment Authority finds the Proposed Project in compliance with such articles, the Director shall so certify on said plans, drawings, or specifications. Where the Director of the Boston Redevelopment Authority finds the Proposed Project not in compliance with such articles, the Director shall so notify the Commissioner of Inspectional Services in writing.

SECTION 37-5. Enforcement. The Commissioner of Inspectional Services shall not issue any building permit for any Proposed Project subject to the requirements of this article, as established by Section 37-3, unless the

Director of the Boston Redevelopment Authority has certified on each plan, drawing or specification filed with the Commissioner in connection with the building permit application for the Proposed Project that it complies with Articles 26, 26A, 26B, 27, 28, 29, 30, 31, 32, 33, 35, and 36 of the Boston Zoning Code. No certification shall be issued unless the Board of Appeal has granted any and all Zoning Relief which the Proposed Project requires.

SECTION 37-6. Appeal. Any Applicant aggrieved by reason of being refused a permit by the Inspectional Services Department made pursuant to this article may appeal to the Board of Appeal within forty-five (45) days after such refusal. Each appeal shall be filed in quadruplicate with the Commissioner of Inspectional Services, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty (30) days after the date of such transmittal, file with the Board of Appeal a report with recommendations to aid the Board of Appeal in judging the appeal. The Board of Appeal shall not hold a hearing nor render any decision on an appeal until such report with recommendations has been received and considered, provided that if no such report is received within said thirty (30) days, the Board of Appeal may hold a hearing and render its decision without such report. Where the Board of Appeal grants any form of relief from a decision made pursuant to this article, the Board of Appeal shall provide written reasons for doing so at the time of its decision.

SECTION 37-7. Regulations. The Boston Redevelopment Authority may promulgate regulations to administer this article.

SECTION 37-8. Severability. If any provision or section of this article shall be held invalid by a court of competent jurisdiction, such provision or section shall be deemed to be separate and apart from the remaining provisions or sections of this article and such remaining provisions and sections shall continue in full force and effect.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

11

Open Space Zoning

Open Space Zoning

The purposes of the open space amendment are to preserve and protect open space from the pressures of development, to maintain it for recreational purposes, and to protect the significant natural and scenic resources of the city. Currently, all open space in Boston is zoned as residential, commercial, or industrial. The proposed open space amendment establishes an open space zone to protect existing publicly-owned open space. The long-term preservation of publicly-owned parks, playgrounds, waterways, and other significant natural areas for recreational purposes can be assured through this change. The major provisions of this amendment are

- No structures are permitted on land zoned as open space except those accessory to open space uses.

- No development of land zoned as open space can occur without the prior approval of the Zoning Commission after a public hearing.

The first use of the open space zone is proposed in the map amendment which is included with this amendment. Three of Boston's most important public open spaces, the Boston Common, the Public Garden, and the Esplanade, are to be zoned open space.

Text Amendment Application No.
Boston Redevelopment Authority
Establish new open space use district;
amend Definition (37) and Use Item
No. 27

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

1. By striking out in Section 2-1, entitled "Meaning of Certain Words and Phrases", definition number (37), "Public open space", and inserting in its place the following definition:

(37) "Open Space", an open space in public ownership dedicated to or appropriated for active or passive recreational use or to the conservation of natural resources. Open space may include the waterway areas within the boundaries of the City of Boston, or an open space in private ownership where the owner seeks to ensure the continued use of the space for active or passive recreational use or for the conservation of natural resources by having it zoned "open space". Areas zoned open space shall have no structures other than those that are accessory to the open space uses.

2. By striking out the first paragraph in Section 3-1, entitled "Division of City into Districts", and inserting in its place the following paragraphs:

Division of City Into Districts

For the purposes of this code, the city is hereby divided into districts as follows: three classes of residential districts: S (single family), R (general), and H (apartment); two classes of business districts: L (local) and B (general); three classes of industrial districts: M (restricted manufacturing), I (general), and W (waterfront); and one class of open space district: O (open space).

Each of the residential, business, and industrial classes is further subdivided into subdistricts, which are identified by a number specifying the maximum allowed floor area ratio and some of which have a second number specifying a height limit. The open space class of district is not divided into subdistricts.

3. By inserting in Section 3-1, after subsection (c) entitled "Industrial Districts" and listing the subdistricts of industrial districts, the following subsection:

(d) Open Space Districts

4. By striking out the last paragraph in Section 3-1, concerning boundaries of residential, industrial, and business districts, and inserting in its place the following paragraphs:

The boundaries of residential, industrial, and business districts are established as shown on a series of maps entitled "Zoning Districts City of Boston," dated August 15, 1962, on file in the office of the City Clerk, which maps, with all explanatory matter thereon, and all maps which, by amendment of this code, may be substituted therefor or made supplemental thereto shall be deemed to be, and are hereby made, a part of this code.

Notwithstanding that the site of an open space, as defined in Section 2-1 (37), appears to be in a residential, business, or industrial district on any map numbered 1 through 12 in the series of maps entitled "Zoning Districts City of Boston", every such open space is an O (open space) district. The locations and designations of open space districts shall be shown on (a) supplemental map(s) entitled "Zoning Districts City of Boston - Supplemental Map(s) - Open Space Districts", which shall be deemed to be, and hereby are made, a part of this code or on such other maps as are kept as the official City of Boston zoning maps.

The purpose of this open space (O) class of district is to preserve and protect open space as defined in Section 2-1 (37) and maintain it for active and passive recreational purposes; to preserve the amenities of the City of Boston; to preserve and enhance natural

light and air quality by protecting the supply of vegetation and open space throughout the city; to enhance and protect the significant natural, historic, and scenic resources of the city; to promote and maintain the visual identity of separate and distinct districts; to provide buffers between incompatible land uses and mitigate the effects of noise and air pollition; and to enhance the quality of life for the inhabitants of the city.

5. By inserting in Section 8-7, entitled "use Regulations", in the key to Table A, between the columns entitled "Industrial" and "Status", a new column as follows:

Open Space

O* = Open Space

6. By inserting above th eline beginning"ID" in said key to Table A the following:

See Section 3-1 for further explanation of the above districts.

7. By inserting below the line beginning "ID" in the key to Table A the following:

*O districts are not included in the table below. All uses except Use Items No. 27 nad 27A are forbidden in O districts. Use Item No. 27 is allowed in O as well as in S, R, H, L, B, M, I and W districts. Use Item 27A is conditional in all districts, subject to the requiments of St. 1956, c. 655, s. 2, as amended.

8. By striking out Use Item No. 27 of Table A of Section 8-7 and inserting in its place the following Use Items:

27	Open space, as defined in Section 2-1 (37), including open space areas, beaches, reservations, parks and playgrounds...	A A A /A A / A A A
27A	"Public recreational building", a structure on or abutting an open space area that is necessary and/or appropriate to the enhanced enjoyment of the particular open space area...	C*C*C*/C*C*/C*C*C*

*Subject to St. 1956, c. 665, s. 2, as amended.

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square
Boston, Massachusetts

Telephone: (617) 722-4300, Extension 201

Date: _____

Map Amendment Application No. ____
Boston Redevelopment Authority
Map Open Space Districts

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions the Zoning Commission as follows:

A. To amend Map 1 - Boston Proper, of the series of maps entitled "Zoning Districts - City of Boston" dated August 15, 1962, as follows:

1. By changing from an H-2-65 district to an O district the parcel of land constituting the Boston Common, bounded and described as follows:

From the intersection of Charles Street and Beacon Street easterly along the centerline of Beacon Street until Park Street; southerly along the centerline of Park Street until Tremont Street; southwesterly along the centerline of Tremont Street until Boylston Street; northwesterly along the centerline of Boylston Street until Charles Street; and northerly along the centerline of Charles Street until Beacon Street.

2. By changing from an H-2-65 district to an district the parcel of land constituting the Public Garden, bounded and described as follows:

From intersection of Arlington Street and Beacon Street easterly along the centerline of Beacon Street until Charles Street; southerly along the centerline of Charles Street until Tremont Street until Boylston Street; westerly along the centerline of Boylston Street until Arlington Street; northerly along the centerline of Arlington Street until Beacon Street.

3. By changing from M-4, I-2, and H-3 districts to an O district the parcel of land and water described as follows:

From the intersection of Massachusetts Avenue and Storrow Memorial Drive northerly along the centerline of the Harvard Bridge until the City of Boston boundary line; easterly along the City of Boston boundary line until the Metropolitan District Commission dam; continuing easterly along the City of Boston boundary line along a straight line until the centerpoint of the North Washington Street Bridge; southerly along the centerline of the North Washington Street Bridge until the intersection of the bridge and the sea wall; westerly along the sea wall until a point 400 feet north of Causeway Street at the centerpoint of the North/South Fitzgerald Expressway; westerly along a straight line parallel to Causeway Street for a distance of 150 feet; northerly along a parallel route 150 feet west of the North/South Fitzgerald Expressway until the centerpoint of the East/West Fitzgerald Expressway; westerly from this point in a curve for 1720 feet until the centerline of the MBTA right-of-way; westerly from the centerline of the MBTA right-of-way until the centerline of Charles Street; southerly along Charles Street until the intersection of Charles Street and Cambridge Street; northerly along the George Washington Circle until the elevated MBTA railroad tracks north of the George Washington Circle; southwesterly along the centerline of Embankment Road until Storrow Memorial Drive; and westerly along the centerline of Storrow Memorial Drive until the centerline of Massachusetts Avenue where it intersects with Storrow Memorial Drive.

B. To adopt a map entitled "Zoning Districts - City of Boston - Supplemental Map - Open Space Districts", to add to this map the date of adoption as the date of the map, and to make this map supplemental to the series of maps entitled "Zoning Districts - City of Boston" dated August 15, 1962, and a part of the Zoning Code.

Petitioner: Boston Redevelopment Authority

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12

Three Year IPOD

Three-Year IPOD

Boston's present zoning code does not effectively address the zoning and land use issues currently facing the city. In addition, the code does not provide all the tools necessary to achieve the city's broader planning goals. The Downtown Interim Planning Overlay District (IPOD) is proposed to implement Boston's new land use and zoning policies while the existing zoning code is revised.

In order to insure that Boston's growth is guided in a fair and open manner, the Boston Redevelopment Authority requires that there be extensive community participation. Special studies are either underway or proposed for areas such as Tremont Street, Essex Street, Cambridge Street and Huntington Avenue. District guidelines are being revised.

The current Interim Planning Overlay District enabling ordinance provides for a two-year IPOD period. To allow sufficient time to revise the existing code, this amendment allows extension of the IPOD period to three years.

Text Amendment Application No.
Boston Redevelopment Authority
Establish three-year time period
for Interim Planning Overlay
District; amend Article 27

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended as follow:

1. By striking out in the third paragraph of Section 27-2 the phrase "two years" and inserting in place thereof the phrase: "three years".

2. By striking out, in the fifth paragraph of Section 27-2 the phrase "not to exceed two years" and inserting in place thereof the phrase: "not to exceed three years".

3. By striking out, in the fourth paragraph of Section 27-4 the phrase "not to exceed two years" and inserting in place thereof the phrase: "not to exceed three years".

Petitioner: Boston Redevelopment Authority

By: _____
Stephen Coyle, Director

Address: One City Hall Square, 9th Floor
Boston, Massachusetts 02201

Tel. No.: (617) 722-4300, Extension 201

Date: _____

13

ZONING IN BOSTON

ZONING IN BOSTON

Faced with a strong development market, Boston has the opportunity to take steps to ensure that Boston continues to be a liveable city and that benefits of downtown development are channeled to the neighborhoods. Zoning is an integral means of shaping planning and development policies.

Boston's Power to Zone

The power to zone has expanded over time as local governments have developed new regulatory techniques to address new issues. Boston's power to zone is derived from its zoning enabling act, Chapter 665 of the Acts of 1956. The Massachusetts Supreme Judicial Court has stated that a municipality may exercise the zoning power "where the interests of the public require such action and where the means employed are reasonably necessary for the accomplishment of the purpose." Boston's 1956 zoning enabling act specifically enumerates the powers to:

> regulate and restrict the height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes. ...a zoning regulation may divide the city into districts... and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures, or use of land, and may prohibit noxious trades within the city or any specified part thereof.

The zoning power, however, is broad enough to encompass the full range of land use issues related to the public welfare. As the U.S. Supreme Court has observed:

> The concept of the public welfare is broad and inclusive....The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled.

The last comprehensive rezoning of Boston occurred in 1964. Since that time both the city's needs and its physical and social environment have changed. Rather than needing to attract growth and investment, the city is now more in need of a comprehensive set of growth guidelines to manage and disperse growth. Traffic congestion, microclimate (wind and shadow) impacts, urban design, affordable housing, and neighborhood benefits are today the most critical planning issues. These are all zoning issues, even though they may not fall under the traditional notion of zoning. As long ago as 1926 the U.S. Supreme Court supported the enactment of zoning laws by ruling that: "[W]hile the meaning of constitutional guarantees never varies, the scope of their application must expand or contract to meet the new and different conditions coming within the field of their operation."

Boston's Zoning History

Boston's special character and human scale is in part due to a legacy of regulating density and building construction. Land use controls, both public and private, have been used in Boston as early as the seventeenth century. In 1692, the State Legislature required that buildings over seven feet tall had to be masonry, in order to prevent fires. One century later, the state began to require, when it disposed of land, deed restrictions specifying building heights, setbacks, construction materials, and land uses.

Following Boston's devastating fire of 1872, Boston residents recognized the need for public regulation. Boston's first building code, which included inspection and permitting procedures, was established and a "City Architect" was appointed to oversee construction in the city. In addition to fires, public attention focused on the public health issues associated with landfill

projects. For example, in 1804 deed restrictions were imposed establishing a 10 foot setback from Front Street (now Harrison Avenue) for a 90-acre land-fill project in the mud flats of the South Cove.

Fire and the health hazards created by landfill operations motivated regulatory action until the late 1800's when public attention turned to a new problem. The great influx of immigrants had led to overcrowding, rapid construction of tenements, and unsanitary housing and living conditions. The growing number of immigrants prompted enterprising landowners to convert old mansions and even factories and warehouses into flats and rooms. Slum-lords converted yards, courts, and gardens into the maximum number of hovels that might pass as homes, with no regard for overcrowding or humane living conditions. Restrictive covenants proved effective in the Back Bay, but other neighborhoods quickly became blighted. In 1898, public concern over these unhealthy conditions led the state to authorize the city to control use, density, and building dimensions.

Height Restrictions

Boston's height restrictions predated zoning. In fact, in 1892 the Legislature imposed a 125 foot height limit throughout the State. During the next few years Boston adopted more stringent controls, such as a 70 foot limit for buildings abutting parks and major thoroughfares and those located near the State House. Height restrictions for Copley Square ranged from 80 to 100 feet.

In 1904, Boston adopted citywide height restrictions and divided the city into residential districts with 80-foot height limits and commercial districts with 125-foot limits. These restrictions survived a constitutional challenge in 1907 in the famous case of Welch v. Swasey.

Boston enacted its first zoning regulations in 1924. The 1924 Act retained the 1908 traditional height limits and combined them with "bulk" and "use" restrictions. The use restrictions regulated the "location of trades, industries and other uses, and the location of buildings designed, erected, altered or occupied for specified uses." The bulk restrictions controlled the "height and bulk of buildings, the area of yards and other open spaces and the percentage of lot occupancy."

Boston's current zoning code was enacted in 1964. It was based in large part on the 1924 Act, but provided two new concepts. It substituted "floor area ratios" (FARs) for height restrictions as the primary means of controlling density and it provided for "planned development areas" (PDAs) to allow more flexible zoning for large projects.

Boston's Current Zoning

Zoning may be used to manage the direction, impacts, benefits, and burdens of growth. Current zoning, however, is ineffective in many ways. The use restrictions retained from the earlier act have become outdated as the city's land use needs have changed. The 1964 Act does not adequately reflect the physical, social, and economic changes that have occurred in the city in the last twenty years. The 1964 Act -- the current Zoning Code -- was adopted at a time when the city had a manufacturing economy and was economically stagnating and in physical decline. Because Boston now has a strong commercial development market and service-based economy, new zoning measures need to be employed.

One indication of the success or failure of a zoning code is the number of variance applications filed each year. Variances are deviations from the Zoning Code granted. They are granted if the applicant shows that strict

enforcement of the Zoning Code, as it applies to a specific lot, would result in undue hardship to the applicant. The larger the number of variance applications, the more likely the code is not working, since people are trying to circumvent it through the variance process.

The number of variance applications in Boston has increased dramatically over the years. In 1964, 363 variances were sought; by 1984, the number of variance applications had risen to 712 -- four times the number processed in New York City that year. In 1985, over 1,000 variance applications were filed. This steady increase in variance requests reveals a growing need to revise the Zoning Code.

In November 1984, the Zoning Commission approved the creation of the Interim Planning Overlay District (IPOD) mechanism to facilitate a rezoning process. The IPOD, a Special Purpose Overlay District in the Boston Zoning Code, is designed as an interim step necessary to protect the area under review from development that is inconsistent with the ultimate goals of the rezoning effort.

The IPOD sets forth land use goals and objectives for the area and the interim zoning controls that will guide any development proposed during the period the IPOD is in effect. At the end of the IPOD period, either new zoning is adopted or the code reverts to the zoning in place before the IPOD.